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ABSTRACT

This unofficial compilation contains all of the New Mexico State laws relating to education which were passed during the 1974 legislative session. (Author)

U.S. DEPARTMENT OF HEALTH,
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A
COMPILATION
OF
LAWS
RELATING TO
EDUCATION

1974

EA 006 174

MEXICO STATE DEPARTMENT OF EDUCATION

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INTRODUCTION

The 1974 Legislative Session produced many new and amended laws affecting public education in New Mexico. Each year, the Office of General Counsel compiles the laws relating to education passed during the session of that year and distributes copies to those interested in these laws. This compilation appears several months prior to the publication of the annual supplements to the 1953 Compilation of the New Mexico Statutes and thus allows all of us to know what the new laws require of us usually prior to their effective dates.

This compilation is not official, but is produced for your convenience.

C. Emery Cuddy, Jr.
General Counsel
State Department of Education

The Legislature of the State of New Mexico

11th Legislature, SPECIAL Session

LAWS 1974

CHAPTER 3

HOUSE BILL NO. 300, AS AMENDED

Introduced by

REPRESENTATIVE WILLIAM O'DONNELL



CHAPTER 3

AN ACT

MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY STATE AGENCIES AND DISTRIBUTIONS FOR PUBLIC EDUCATION REQUIRED BY LAW AND PROVIDING A TAX LEVY.

IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.—This act may be cited as the "General Appropriation Act of 1974".

Section 2. DEFINITIONS.—As used in the General Appropriation Act of 1974:

A. "General fund" means that fund created by Section 2-3.1 NMSA 1953.

B. "Federal funds" means receipts of state agencies from the United States government in the form of grants, reimbursements, payments made in accordance with contracts, cooperative agreements for specific purposes or in lieu of taxes but does not include shared revenue unless otherwise indicated.

C. "Shared revenue" means receipts to the state of New Mexico from the United States government made available under the provisions of the State and Local Fiscal Assistance Act of 1972 or special revenue sharing program enacted by congress.

D. "Other state funds" means all funds, receipts, revenues, monies and income available to state agencies from any source whatever not defined in subsections A, B or C of this section.

E. "Public money" means all general fund, federal funds, state funds, and other state funds.

House Bill 300
Approved February 28, 1974

1 shared revenue and other state funds as defined in subsections A, B,
2 C and D of this section.

3 F. "State agency" means any office, department, institution,
4 board, bureau, commission, court, district attorney, council or com-
5 mittee of state government which receives or expends public money.

6 G. "Expenditures" means all amounts of money, other than
7 refunds authorized by law, paid out or encumbered for payment by a
8 state agency other than for investment in securities or as agent or
9 trustee for other governmental entities or private persons.

10 H. "Revenue" means all amounts of money received by a
11 state agency from external sources, net of refunds and other correct-
12 ing transactions, other than from issue of debt, liquidation of invest-
13 ments or as agent or trustee for other governmental entities or private
14 persons.

15 Section 3. GENERAL PROVISIONS.—

16 A. Amounts set out under column headings are expressed in
17 thousands of dollars.

18 B. Amounts set out under column headings are appropriated
19 from the source indicated by the column heading.

20 C. Amounts set out under the column heading "Total" are
21 provided for informational purposes only and are not appropriations.

22 D. For the sixty-third fiscal year appropriations are
23 made as set out in Section 4 of the General Appropriation Act of
24 1974 from the general fund or other funds as indicated to the state
25 agencies named or for the purposes expressed, or so much thereof as

be necessary, within available revenues and unencumbered balances.

E. Unencumbered balances in state agency accounts remaining at the end of the fiscal year from appropriations made from the general fund shall revert to the general fund unless otherwise indicated. Unencumbered balances in state agency accounts remaining at the end of the fiscal year from sources other than the general fund shall not revert, unless otherwise indicated, but shall remain to the credit of the state agency.

F. Expenditures of sixty-third fiscal year appropriations shall not exceed the amounts authorized in the General Appropriation Act of 1974 except as specifically authorized in subsection G of this section. Expenditures shall be made only in accordance with budgets approved by the department of finance and administration in accordance with the provisions of Section 11-4-1.8 NMSA 1953.

G. ~~In categories wherein specifically authorized,~~ ^{BK} the department of finance and administration may approve increases in budgets of state agencies whose actual revenue from sources other than the general fund and unreverted and unencumbered balances exceed appropriations made in the General Appropriation Act of 1974. Such actual revenues exclusive of shared revenue are hereby appropriated. In approving such budget increases, the department shall advise the legislature through its officers and appropriate committees in writing of the conditions under which the increased budget is approved and the expenditures authorized together with justification for the adjustments.

1 H. The department of finance and administration shall
2 monitor actual revenue received by state agencies from sources other
3 than the general fund and shall order reductions in the operating
4 budget of any state agency whose revenue from such sources is not
5 meeting budgeted projections.

6 I. The same appropriations, with the same extensions and
7 limitations as are indicated in the General Appropriation Act of
8 1974 for the sixty-third fiscal year, shall continue every fiscal
9 year subsequent to the sixty-third fiscal year unless otherwise
10 provided by law. Section 4 of Chapter 403, Laws 1973, is repealed
11 effective July 1, 1974.

12 J. There are appropriated to the general fund all funds
13 set out for "administrative overhead" as payments to partially de-
14 fray the general overhead cost of government. The department of
15 finance and administration shall order the transfer of these amounts
16 at the time of allotment of funds to the state agency concerned.
17 When a budget of an agency that has amounts set out in this act as
18 items of "administrative overhead" is increased, five percent of
19 the increase shall be collected and deposited to the general fund.

20 K. Except as otherwise specifically stated in the General
21 Appropriation Act of 1974, appropriations are made in this act for
22 the expenses of state agencies and for other purposes as required by
23 existing laws. If any other act of the Thirty-First Legislature
24 Second Session or Special Session, approved by the governor, changes
25 existing laws in regard to the name or responsibilities of a state

or the name or purpose of a fund or distribution, the appropriation made in the General Appropriation Act of 1974 shall be transferred to the state agency, fund or distribution, to which an appropriation was made as required by existing law, to the appropriate state agency, fund or distribution provided by the new law.

L. ~~If the provisions of any other act of the Thirty-First Legislature, Second Session or Special Session, approved by the Governor, conflict with provisions of the General Appropriation Act of 1974, the provisions of the other act shall apply.~~ B.K.

M. If any items included in the General Appropriation Act of 1974 are appropriated in special acts of the Thirty-First Legislature, Second Session or Special Session, the appropriations in the special acts shall apply and the appropriations for these items in the General Appropriation Act of 1974 are null and void.

N. The property appraisal department is hereby directed to levy a tax at the maximum rate provided by law for state purposes to partially meet the appropriations of this act, exclusive of the levies necessary for interest on and retirement of public debt and such levies as are provided by existing statutes for other than general state purposes.

O. There is appropriated to the reappraisal loan fund created by Laws 1967 S.S., Chapter 2, Section 21, balances remaining to the credit of the fund at the close of the sixty-second fiscal year which are committed for the assistance of those county governments in which reappraisal has not been completed. The uncommitted balance shall be

transferred to the general fund. When all commitments have been fulfilled, the reappraisal loan fund shall be abolished.

Section 4. SIXTY-THIRD FISCAL YEAR APPROPRIATIONS.--

A. LEGISLATIVE

Item	General Fund	Other State Funds	Federal Funds	Total
LEGISLATIVE COUNCIL SERVICE:				
(1) National conference of state legislative leaders - membership fee	\$ 1.0			
(2) Legislative maintenance	542.0			
(3) For a study of campaign reform by the legislative council	10.0			
Subtotal				\$ 553.
LEGISLATURE:	190.0			190.
To apply an expense, mileage and per diem of legislative members.				
TOTAL LEGISLATIVE				\$ 743.

B. JUDICIAL

Item	General Fund	Other State Funds	Federal Funds	Total
~~The department of finance and administration may approve budget increases in agencies in this category pursuant to Section 3, subsection 6 of this act.~~				

B.K.

Item	General Fund	Other State Funds	Federal Funds	Total
SUPREME COURT LAW LIBRARY:	\$ 87.2			\$ 87.2
NEW MEXICO COMPILATION COMMISSION:		\$ 69.9		69.9
JUDICIAL STANDARDS COMMISSION:	12.0			12.0
JUDICIAL COUNCIL:	40.2		\$ 63.7	103.9

Of the general fund appropriation to the judicial council, the sum of \$15,000 shall be used only to match available federal funds.

NEW MEXICO REPORTS:	10.0	30.5		40.5
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Balances remaining at the close of the fiscal year shall not revert.

COURT OF APPEALS:	302.5			302.5
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SUPREME COURT:	366.2	17.0		383.
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ADMINISTRATIVE OFFICE OF THE COURTS:	2,313.0		259.7	2,572.7
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Included in the above appropriation is the sum of \$300,000 to be used only for the purposes of increasing the minimum salary of judicial employees to \$400 per month and for other salary adjustments in the judicial branch and for paying employee benefits associated therewith.

It is not the intent of the legislature that these appropriations be construed as endorsing a uniform personnel plan for the judicial branch. Also included in the above appropriation is the sum of \$63,000 to be used only for the purpose of increasing magistrates' salaries and corresponding employee benefits.

SUPREME COURT BUILDING COMMISSION:	129.4			129.
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DISTRICT COURTS:				
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1st judicial district:	352.8			352.
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	Item	General Fund	Other State Funds	Federal Funds	To
3	2nd judicial district:	\$ 1,337.6		\$ 319.7	\$ 1
4	3rd judicial district:	225.2			
5	4th judicial district:	121.6			
6	5th judicial district:	438.1			
7	6th judicial district:	208.9			
8	7th judicial district:	163.6			
9	8th judicial district:	189.3		3.6	
10	9th judicial district:	158.3			
11	10th judicial district:	113.3			
12	11th judicial district:	298.1			
13	12th judicial district:	153.3			
14	13th judicial district:	188.1			
15	TOTAL district courts				\$ 4
16	In the event that House Appropriations and Finance Committee Substitute				
17	for House Bills 71, 88, 89 and 98, Thirty-First Legislature, Second				
18	Session, becomes law, the sum of \$49,500 is also appropriated for the				
19	salary and expenses of one additional judge in the thirteenth judicial				
20	district.				
21	DISTRICT ATTORNEYS:				
22	1st judicial district:	197.5			
23	2nd judicial district:	670.0		40.0	
24	3rd judicial district:				
25	(1) Salaries and expenses	106.3			

Item	General Fund	Other State Funds	Federal Funds	Total
2) Administrator	\$ 34.8			
Subtotal				\$ 141.1
1st judicial district:	78.0			78.0
2nd judicial district:	203.4			203.4
3rd judicial district:	99.0			99.0
4th judicial district:	74.8			74.8
5th judicial district:	73.4			73.4
6th judicial district:	86.0			86.0
7th judicial district:	48.8			48.8
8th judicial district:	118.5			118.5
9th judicial district:	91.3			91.3
10th judicial district:	105.3			105.3
TOTAL district attorneys				2,027.1
TOTAL JUDICIAL				\$ 10,049.2

C. EXECUTIVE

Item	General Fund	Other State Funds	Federal Funds	Total
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~~The department of finance and administration may approve budget increases in agencies in this category pursuant to Section 3, subsection 2 of this act.~~ B.K.

ATTORNEY GENERAL:	\$ 577.4	\$ 35.0		\$ 612.4
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The attorney general may bill state agencies operating from appropriations other than from the general fund according to a fee schedule

	Item	General Fund	Other State Funds	Federal Funds	Total
3	approved by the department of finance and administration.				
4	STATE AUDITOR:	\$ 265.0	\$ 399.4		\$ 664.4
5	Of the above appropriation, the sum of \$78,200 shall be expended only				
6	for the purpose of performing audits requested by the legislative				
7	finance committee.				
8	BUREAU OF REVENUE:	4,726.4			4,726.4
9	RADIO COMMUNICATIONS DEPARTMENT:	146.9	370.0	\$ 162.0	678.9
10	DEPARTMENT OF MOTOR TRANSPORTATION:		2,637.1		2,637.1
11	The appropriation to the department is made from the state road fund.				
12	Unencumbered balances remaining to the credit of the department of				
13	motor transportation at the close of the fiscal year shall revert to				
14	the state road fund.				
15	Included in the appropriation to the department of motor trans-				
16	portation is the sum of \$100,000 to be used only for construction of				
17	a port of entry at Lordsburg.				
18	All caravan and proration fees collected by the motor trans-				
19	portation department shall be transferred to the motor vehicle				
20	department for distribution in accordance with the provisions of				
21	Section 64-11-12 NMSA 1953.				
22	DIVISION OF AUTOMATED DATA				
23	PROCESSING:	135.2	2,276.3		2,411.5
24	Services shall be supplied to requesting agencies at cost including				
25	overhead charges. Appropriations are made to state agencies in this				

Item	General Fund	Other State Funds	Federal Funds	Total
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for purchase of automated data processing services from the division. In approving annual operating budgets, the department of finance administration shall include not less than the following amounts for automated data processing services in the budgets of the following agencies:

State Auditor		\$ 186		
Bureau of Revenue		560,417		
Radio Communications Department		3,027		
Department of Motor Transportation		165,000		
Office of Telecommunications		2,750		
Department of Finance and Administration		317,976		
Department of Motor Vehicles		568,000		
State Personnel Board		59,400		
State Planning Office		14,511		
State Treasurer		76,732		
Board of Medical Examiners		339		
Board of Professional Engineers and Land Surveyors		663		
Corporation Commission -- Department of Insurance		28,812		
Department of Game and Fish		1,435		
State Park and Recreation Commission		2,252		
State Police		59,169		

	Item	General Fund	Other State Funds	Federal Funds	Total
3	Library Commission		\$ 14,092		
4	Department of Education		33,326		
5	There shall be an amount of not less than \$225,000 in cash or				
6	receivables, remaining to the credit of the division at the end of				
7	each fiscal year. Balances remaining to the credit of the division				
8	at the end of the fiscal year shall not revert.				
9	No expenditure shall be made from any funds appropriated in				
10	this act, except for appropriations made to higher education or				
11	the public school fund, for contracted automated systems design,				
12	specifications, programming, documentation or data processing				
13	services without the prior written approval of the director of				
14	the department of finance and administration.				
15	DEPARTMENT OF FINANCE AND ADMINISTRATION:				
16	(1) Salaries and expenses	\$ 2,187.4			
17	(2) State transportation pool		540.1		
18	(3) Surplus property		133.3		
19	(4) Office of telecommunications -				
20	salaries and expenses		129.2		
21	(5) Telecommunications equipment				
22	rental		1,905.0		
23	(6) Investment council		204.0		
24	(7) Interagency services		333.3		
25	(8) Dues and memberships:				

Item	General Fund	Other State Funds	Federal Funds	Total
(a) Council of state governments	\$ 18.2			
(b) Federation of rocky mountain states	10.0			
(c) Western interstate nuclear compact	10.0			
(d) Four corners regional commission	31.3			
(e) Western interstate commission on higher education	28.0			
(f) Education commission of the states, including travel and per diem of public members	11.0			
(g) Rocky mountain corporation for public broadcasting	13.1			
Subtotal				\$5,553.9

balances remaining to the credit of accounts established under items (3), (4), (5) and (6) shall not revert. The unencumbered balance in excess of \$25,000 in the interagency services revolving fund shall revert to the general fund.

The appropriation made in item (6) is made from earnings on investments of permanent funds before distribution to the income funds as authorized by law.

	Item	General Fund	Other State Funds	Federal Funds	Total
1	In anticipation of reimbursement of federal funds to carry out				
2	the provisions of Laws 1970, Chapter 35, the director of the depart-				
3	ment of finance and administration may authorize the loan of funds				
4	from the operating reserve fund to the property control division.				
5	The loan should not exceed the federal share of project costs and				
6	shall be repaid upon reimbursement by the federal government.				
7	EDUCATIONAL RETIREMENT BOARD:				
8	(1) Salaries and expenses		\$ 328.1		
9	(2) Administrative overhead		16.4		
10	Subtotal				\$ 344
11	EMPLOYMENT SECURITY CONTINGENCY FUND:		.9		
12	PUBLIC DEFENSE DEPARTMENT:	\$ 1,165.8		\$ 50.5	1,216
13	Included in the appropriation is the sum of \$80,000 for defense of				
14	indigent juveniles.				
15	GOVERNOR AND LIEUTENANT GOVERNOR:				
16	(1) Governor salary and expenses	206.1			
17	(2) Lieutenant governor salaries				
18	and expenses	59.5			
19	(3) Governor-elect staff and				
20	expenses	10.0			
21	(4) National governors' confer-				
22	ence contribution	4.0			
23	(5) Contingent expense	30.0			

	Item	General Fund	Other State Funds	Federal Funds	Total
3	(6) Governor's residence	\$ 18.0			
4	(7) Western governors' conference	20.0			
5	(8) Lieutenant governors' conference	12.0			
6	Subtotal				\$ 419.6

7 Items (1), (2), (3), (4), (7) and (8) shall be disbursed on regular
8 vouchers presented to the department of finance and administration,
9 and items (5) and (6) shall be disbursed by warrants of the depart-
10 ment of finance and administration on the basis of one-twelfth each
11 month to the governor.

12 Appropriations for the office of lieutenant governor shall be
13 expended on vouchers signed by the governor.

14 GOVERNOR -- MANPOWER PLANNING AND GRANT ADMINISTRATION:

15	(1) Manpower planning			\$ 194.6	
16	(2) Office of economic				
17	opportunity	1.0		206.5	
18	(3) Criminal justice planning	160.0		302.1	
19	(4) Energy task force	44.0		44.6	
20	Subtotal				952.8
21	MOTOR VEHICLE DEPARTMENT:	3,989.4			3,989.4

2 Except for the miscellaneous fees distributed under Section 64-11-10.1
3 NMSA 1953, all miscellaneous receipts of the department shall be depos-
4 ited in the general fund. All fees collected and retained under the
5 provisions of Section 64-13-75.2 NMSA 1953 shall be deposited in the

Item	General Fund	Other State Funds	Federal Funds	Total
general fund. All receipts to the administrative inspection fund shall be transferred monthly into the general fund except that administrative service fees collected by appointed agents shall be returned in accordance with the provisions of Sections 64-2-19 and 64-2-20 NMSA 1953. Six percent of total collection of drivers' license fees shall be credited to the general fund.				
OIL AND GAS ACCOUNTING COMMISSION:	\$ 229.0	\$ 26.7		\$ 255.7
PUBLIC EMPLOYEES RETIREMENT ASSOCIATION:				
(1) Salaries and expenses		400.1		
(2) Building maintenance		246.6		
(3) Administrative overhead		32.3		
(4) Legislative retirement and matching contribution	53.8			
Subtotal				73.0
PUBLIC EMPLOYEES RETIREMENT BOARD--				
SOCIAL SECURITY DIVISION:				
(1) Salaries and expenses		57.0		
(2) Administrative overhead		2.8		
Subtotal				
STATE COMMISSION OF PUBLIC RECORDS:	257.0			257.0
SECRETARY OF STATE:	308.9			308.9
STATE BOARD OF FINANCE:				
(1) Salaries and expenses	34.3			34.3

Item	General Fund	Other State Funds	Federal Funds	Total
(2) Emergency fund	\$ 35.0			
Subtotal				\$ 69.3
STATE PERSONNEL BOARD:		\$ 688.8		688.8

The appropriation to the state personnel board is made from funds of the agencies, departments and institutions subject to state personnel board regulations and shall be prorated among them on the basis of the total ~~budgeted~~ ^{BK} amounts for personal services as approved by the department of finance and administration. These prorated assessments shall be transferred or paid by voucher to the state personnel board at the direction of the department of finance and administration.

~~None of the above appropriation shall be spent for promulgating or filing rules, policies or plans which have significant financial impact or would require significant future appropriations to maintain without prior specific legislative approval.~~ BK.

STATE PLANNING OFFICE:	324.8	\$ 712.8	1,037.6
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In addition to the above appropriation, there is appropriated the sum of \$150,000 from the general fund for the purpose of saving harmless the state planning office from loss of federal funds available for continuing the present operations of the office. ~~This contingent appropriation shall be disbursed only upon certification in writing by the state planning officer, approved by the director of the department of finance and administration, that federal funds to continue the agency's operation are not available; provided, however, that no funds~~ BK

1		General	Other	Federal	
2	Item	Fund	State	Funds	Funds
3	~~shall be disbursed from this appropriation which would allow an operating budget greater than \$1,037,600. BK~~				
4					
5	STATE PURCHASING AGENT:	\$ 175.5	\$ 32.3		\$
6	PROPERTY APPRAISAL DEPARTMENT:	746.6			
7	~~Expenditures of any funds appropriated in this act for mapping shall be made only pursuant to contract entered into between the department and county. The contract shall include provision for payment to the department of actual costs of mapping services by the county. Payment schedules shall provide for final payment not later than three years from the date of the contract. BK~~				
8					
9					
10					
11					
12					
13	The state's share of proceeds of tax sales shall be deposited in the general fund.				
14					
15	STATE TREASURER:	280.8			
16	TOTAL EXECUTIVE				\$ 2
17	D. INSPECTION AND REGULATION				
18					
19	Item	General Fund	Other State Funds	Federal Funds	T
20	~~The department of finance and administration may approve budget increases in agencies in this category pursuant to Section 3, subsection 6 of this act. BK~~				
21					
22					
23	AVIATION BOARD:				
24	(1) Construction of airports				
25	and aviation services		\$ 211.0		

Item	General Fund	Other State Funds	Federal Funds	Total
2) Salaries and expenses	\$	90.0		
3) Administrative overhead		13.5		
4) Aircraft purchase		16.4		
Subtotal				\$ 330.9
DEPARTMENT OF BANKING:	\$ 321.6			321.6

CONSTRUCTION INDUSTRIES COMMISSION:

1) Salaries and expenses	1,044.0			
2) Revolving fund	4.0			
Subtotal				1,048.0

included in item (1) is the sum of \$30,000 for salaries and expenses of
two mobile home inspectors. *BK*

Funds appropriated in item (2) shall be used only for the purpose
of establishing a revolving fund to be used for the purchase and
resale of literature. ~~There shall be an amount of \$4,000 to the~~
~~credit of the fund at the end of each fiscal year~~ *BK*

CORPORATION COMMISSION--ADMINISTRATION:

(1) Salaries and expenses	695.5			
(2) Refunds	.5			
Subtotal				696.0

DEPARTMENT OF ALCOHOLIC BEVERAGE

CONTROL:	269.6			269.6
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STATE FIRE MARSHAL:

(1) Salaries and expenses		206.5		
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	Item	General Fund	Other State Funds	Federal Funds	Total
3	(2) Administrative overhead		\$ 10.5		
4	(3) Feasibility study for vocational				
5	firemen's training school		5.0		
6	Subtotal				\$ 2
7	HUMAN RIGHTS COMMISSION:	\$ 102.4			10
8	The commission shall not expend funds from any source to investigate				
9	alleged employment violations in cases involving firms employing more				
10	than 14 persons except when the charging party refuses, in writing, to				
11	have the equal employment opportunity commission investigate the case.				
12	LABOR AND INDUSTRIAL COMMISSION:				
13	(1) Salaries and expenses	303.7			
14	(2) Secretary and equipment	10.5			
15	(3) Contingency	30.5			
16	Subtotal				3
17	Funds appropriated in item (3) may be expended only in the amount				
18	that federal funds made available ~~to the state~~ ^{BK} under the provisions				
19	of the Emergency Employment Act in the 62nd fiscal year are decreased				
20	in the 63rd fiscal year.				
21	LIQUEFIED PETROLEUM GAS COMMISSION:	115.7			1
22	From moneys collected under the provisions of Sections 65-7-1 through				
23	65-7-22 NMSA 1958, an amount of \$1,000 shall be placed in a suspense				
24	fund for the purpose of making refunds. All other receipts shall be				
25	deposited in the general fund.				

Item	General Fund	Other State Funds	Federal Funds	Total
PUBLIC SERVICE COMMISSION:	\$ 323.4			\$ 323.4
STATE RACING COMMISSION:	272.9			272.9
~~In the event the state scientific laboratory cannot provide necessary~~ ^{BK}				
~~chemical tests requiring specialized equipment, an additional \$58,000~~				
~~is hereby appropriated to the commission to contract for such services.~~ ^{BK}				
STATE MINE INSPECTOR:	206.9			206.9
CORPORATION COMMISSION--DEPARTMENT				
OF INSURANCE:	380.7			380.7
TOTAL INSPECTION AND REGULATION				\$ 4,692.8

E. EXAMINING AND LICENSING BOARDS

Item	General Fund	Other State Funds	Federal Funds	Total
~~The department of finance and administration may approve budget in~~				
~~crases in agencies in this category pursuant to Section 3, subsection~~				
~~C of this act.~~ ^{BK}				

For the sixty-third fiscal year, except as otherwise provided, appropriations are made for each of the following boards from unencumbered balances and revenues provided by law. Each board in this section except the state pharmacy board shall budget as part of the following amounts and pay into the general fund as administrative overhead five percent of total revenue received by it during the year.

BOARD OF PUBLIC ACCOUNTANCY:	\$ 21.4	\$ 21.4
BOARD OF EXAMINERS FOR ARCHITECTS:	13.4	13.4

	Item	General Fund	Other State Funds	Federal Funds	Total
3	BOARD OF BARBER EXAMINERS:		\$ 27.4		\$ 27.4
4	BOARD OF COMMISSIONERS OF THE STATE BAR:		140.0		140.0
5	BOARD OF BAR EXAMINERS:		27.1		27.1
6	BOARD OF CHIROPRACTIC EXAMINERS:		3.2		3.2
7	BOARD OF COSMETOLOGY:		77.0		77.0
8	BOARD OF DENTAL EXAMINERS:		17.7		17.7
9	DRY CLEANING BOARD:		29.9		29.9
10	BOARD OF EMBALMERS AND FUNERAL				
11	DIRECTORS:		3.4		3.4
12	EMPLOYMENT AGENCY BOARD:		5.3		5.3
13	BOARD OF HEARING AID DEALERS				
14	AND FITTERS:		2.7		2.7
15	MASSAGE BOARD:		1.6		1.6
16	BOARD OF MEDICAL EXAMINERS:		62.5		62.5
17	NURSING HOME ADMINISTRATORS BOARD:		4.0		4.0
18	BOARD OF NURSING:		97.5		97.5
19	BOARD OF EXAMINERS IN OPTOMETRY:		1.6		1.6
20	BOARD OF EXAMINERS IN OPTIOPATHY:		5.2		5.2
21	BOARD OF PHARMACY:	\$ 129.7			\$ 129.7
22	All income to the board shall be deposited in the general fund.				
23	PHYSICAL THERAPISTS LICENSING BOARD:		1.1		1.1
24	BOARD OF PODIATRY EXAMINERS:		1.4		1.4
25	BOARD OF EXAMINERS IN POLYGRAPHY:		3.1		3.1

Item	General Fund	Other State Funds	Federal Funds	Total
BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS:	\$	49.4		\$ 49.4
BOARD OF PSYCHOLOGISTS EXAMINERS:		2.3		2.3
REAL ESTATE BOARD:		126.1		126.1
BOARD OF VETERINARY EXAMINERS:		10.4		10.4
TOTAL EXAMINING AND LICENSING				\$ 866.4

F. NATURAL RESOURCES

Item	General Fund	Other State Funds	Federal Funds	Total
~~The department of finance and administration may approve budget in-~~ ~~creases in agencies in this category pursuant to Section 3, subsection~~ ~~C of this act.~~ <i>BK</i>				
LIVESTOCK BOARD:	\$ 141.1	\$ 1,095.6	\$ 141.1	\$ 1,377.8
MOTION PICTURE INDUSTRY				
PROMOTION COMMISSION:	108.4			108.4
DEPARTMENT OF DEVELOPMENT:				
(1) Administration	256.7			
(2) Publications division	100.9	313.0		
(3) Tourist division	590.6			
(4) Economic development division	386.5		4.1	
Subtotal				1,651.8

Balances remaining to the credit of the publications division at the
close of the fiscal year shall not revert.

	Item	General Fund	Other State Funds	Federal Funds	Total
3	DEPARTMENT OF GAME AND FISH:				
4	(1) Salaries and expenses		\$ 3,002.5	\$ 844.1	
5	(2) Expansionary programs		250.0		
6	(3) Snowmobile Act administration		2.0		
7	Subtotal				\$ 4,0
8	Funds appropriated in item (2) shall be disbursed by the department of				
9	finance and administration after December 1, 1974 and only upon the				
10	certification by the department of game and fish that revenues for the				
11	63rd fiscal year are expected to meet the agency's projections as				
12	presented in its budget request dated November 7, 1973.				
13	DEPARTMENT OF STATE FORESTRY:				
14	(1) Salaries and expenses	\$ 205.3	39.1	220.4	
15	(2) Emergency fire suppression	20.0			
16	Subtotal				
17	COMMISSIONER OF PUBLIC LANDS:		1,334.4		1.
18	OIL CONSERVATION COMMISSION:		779.4		
19	The oil and gas accounting commission shall deduct and transfer to the				
20	general fund seven percent of the total collections from all oil and				
21	gas conservation tax for administrative overhead and collection costs.				
22	STATE PARK AND RECREATION COMMISSION:				
23	(1) Salaries and expenses	964.7	225.2		
24	(2) Boat safety program			38.4	
25	(3) Bicentennial commission	20.0		45.0	

Item	General Fund	Other State Funds	Federal Funds	Total
(4) Villanueva state park	\$ 5.5			
Subtotal				\$ 1,298.8

Included in the funds appropriated in item (1) is the sum of \$5,000 to be used to complete construction of two "vest pocket park" projects in the town of Bernalillo.

From the money collected under the provisions of the Boat Act, an amount of \$100 shall be placed in a suspense fund for the purpose of making refunds.

PEANUT COMMISSION:	\$ 10.6	10.6
RAILROAD AUTHORITY:	6.5	6.5

The appropriation is contingent upon the contribution of an equal amount by the state of Colorado. Balances remaining at the close of the fiscal year in the joint account shall not revert.

NATURAL RESOURCES CONSERVATION

COMMISSION:	125.1	125.1
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STATE ENGINEER AND INTERSTATE STREAM

COMMISSION:

(1) Salaries and expenses	1,728.8	603.3	
(2) Irrigation works construction fund programs		961.0	
(3) Improvement of Rio Grande income fund programs		342.5	
Subtotal			3,635.6

Item	General Fund	Other State Funds	Federal Funds	Total
Within the appropriation from other state funds there are included the following appropriations from the irrigation works construction fund: for agency operations, \$603,300; for planning watershed projects benefiting irrigation in cooperation with the United States department of agriculture under the Watershed Protection and Flood Prevention Act (P. L. 83-566), \$75,000; for cooperating with the United States in programs authorized by congress to reduce the non-beneficial evaporation and transpiration of water in the Pecos basin in New Mexico, \$25,000; for constructing, improving, repairing and protecting from floods the dams, reservoirs, ditches, flumes and appurtenances within the state, \$150,000. Not more than 15 percent of the total cost of any one project shall be paid out of the \$150,000 appropriation and not more than \$10,000 of the appropriated amount shall be spent on the works of any one community ditch. The state engineer may enter into cooperative agreements with the owners or commissioners of such facilities to insure that the work will be done in the most efficient and economical manner and may contract with the federal government or any of its agencies or instrumentalities which provide matching funds or assistance.				

Also within the appropriation from other state funds, there is included \$50,000 from the improvement of the Rio Grande income fund for use in behalf of the Elephant Butte irrigation district for interstate litigation expense involving the waters of the Rio Grande.

In addition to the above appropriations all receipts from the Pecos

Item	General Fund	Other State Funds	Federal Funds	Total
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valley artesian conservancy district for repayment of the costs of the Roswell basin watermaster to the state engineer for expenditure in accordance with the budget submitted pursuant to the provisions of the decree in State of New Mexico, et al. v. L. T. Lewis, et al., Chaves County Cause No. 20794 and 22600 Consolidated are hereby appropriated.

All unappropriated balances in the irrigation works construction fund and in the improvement of the Rio Grande income fund are appropriated for expenditure for the purposes of the trusts subject to the approval of the department of finance and administration.

STATE FAIR:	\$ 3,578.6	\$ 3,578.6
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Notwithstanding the provisions of Section 45-20-15 NMSA 1953, the state fair commission shall not issue bonds, negotiate loans or renegotiate loans without the prior approval of the state board of finance.

TOTAL NATURAL RESOURCES	\$ 18,490.4
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G. HEALTH, HOSPITALS, WELFARE AND OTHER INSTITUTIONS

Item	General Fund	Other State Funds	Federal Funds	Total
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Except as otherwise provided in this subsection, unencumbered balances of appropriations in this subsection shall not revert.

~~The department of finance and administration may approve budget increases in agencies in this category pursuant to Section 3, subsection C of this act.~~ *PK*

CARRIE TINGLEY HOSPITAL FOR

	Item	General Fund	Other State Funds	Federal Funds	Total
3	CRIPPLED CHILDREN:	\$ 1,161.3	\$ 269.0	\$ 72.0	\$ 1,502.3
4	COMMISSION ON ALCOHOLISM:				
5	(1) Salaries and expenses	390.3	149.0	401.4	
6	(2) Albuquerque alcoholism				
7	treatment program	185.0			
8	(3) Southwest mental health				
9	center alcoholism treat-				
10	ment program	10.0			
11	Subtotal				1,137.7
12	COMMISSION ON INDIAN AFFAIRS:	90.0			90.0
13	Unencumbered balances remaining at the close of the fiscal year from				
14	general fund appropriations shall revert to the general fund.				
15	DEPARTMENT OF HEALTH AND				
16	SOCIAL SERVICES:	31,824.0	6,525.8	71,727.9	110,077.7
17	The above appropriation includes and is not in addition to the follow-				
18	ing appropriations:				
19	(a) Laws 1955, Chapter 196, Section 15;				
20	(b) Fees collected pursuant to Section 67-28-9 NMSA 1953.				
21	Included in the general fund appropriation to the agency is the sum				
22	of \$100,000 to carry out the provisions of the Sanitary Projects Act.				
23	Included in the general fund appropriation to the agency is the				
24	sum of \$24,000 to the environmental improvement agency for financing				
25	additional milk inspection activities outside of Bernalillo county.				

Item	General Fund	Other State Funds	Federal Funds	Total
COMMISSION ON AGING:	\$ 36.8		\$ 110.5	\$ 147.3
Unencumbered balances remaining at the close of the fiscal year from general fund appropriations shall revert to the general fund.				
COMMITTEE ON CHILDREN AND YOUTH:	41.5			41.5
Unencumbered balances remaining at the close of the fiscal year from general fund appropriations shall revert to the general fund.				
DEPARTMENT OF HOSPITALS AND INSTITUTIONS:				
(1) Salaries and expenses	13,043.7	\$ 1,877.4	3,708.1	
(2) Bernalillo county mental health - mental retardation center	1,042.1			
(3) Southwest mental health center	148.5			
(4) Eastern New Mexico mental retardation project	128.9			
(5) Southwestern New Mexico services for the handicapped	100.0			
(6) Chaves county mental health center	50.3			
(7) Committee for services for the handicapped	75.0			
Subtotal				20,174.0
Items (2), (3), (4), (5), (6) and (7) shall be disbursed only upon				

Item	General Fund	Other State Funds	Federal Funds	Total
presentation by the appropriate representative of the respective centers to the department of the following:				
(a) Certification that the center is rendering mental health and mental retardation services in accordance with the terms of a contract with the department of hospitals and institutions, and				
(b) A certified statement in a form approved by the department reflecting services rendered during the previous month.				
Any mental health center receiving funds appropriated by the state shall make its services available to any resident of the state.				
~~included in the appropriation to the department of hospitals and institutions are sufficient funds to assure continuation of the operation of community service programs carried on in the 62nd fiscal year.~~				

VETERANS SERVICE COMMISSION:

(1) Salaries and expenses	\$ 303.6	\$.3		
(2) Scholarships	16.0			
Subtotal			\$	319

Unencumbered balances remaining at the close of the fiscal year from general fund appropriations shall revert to the general fund.

Notwithstanding the provisions of Section 74-4-2 NMSA 1953, the appropriation made in item (2) shall be paid pursuant to the provisions of Sections 74-4-1, 74-4-3 and 74-4-4 NMSA 1953 on vouchers signed by the New Mexico Veterans service commission.

Item	General Fund	Other State Funds	Federal Funds	Total
TOTAL HEALTH, HOSPITALS, WELFARE AND OTHER INSTITUTIONS				\$133,488.4

H. PUBLIC SAFETY

Item	General Fund	Other State Funds	Federal Funds	Total
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~~The department of finance and administration may approve budget in-~~
~~creases in agencies in this category pursuant to Section 3, subsection-~~
~~C of this act~~ **BK**

DEPARTMENT OF MILITARY AFFAIRS:	\$ 315.9		\$ 275.1	\$ 591.0
STATE ARMORY BOARD:	34.5	\$ 9.1	82.2	125.8

Balances remaining at the close of the fiscal year shall not revert.

CIVIL AIR PATROL:	5.5			5.5
DEPARTMENT OF CORRECTIONS:	6,096.3	2,105.0	350.7	8,552.0

It is the intent of the legislature that certified teaching personnel employed by the department of corrections be excluded from the purview of the Personnel Act.

TRAFFIC SAFETY COMMISSION:	50.0		107.1	157.1
STATE POLICE:				
(1) Salaries and expenses	7,088.4	143.0	145.0	
(2) Contingency	39.5			
(3) Civilian salaries	76.1			
Subtotal				7,492.0

Included in the appropriation to the state police are funds for the operation and maintenance of the state police complex. The state

	Item	General Fund	Other State Funds	Federal Funds	To
1					
2					
3	police department may assess maintenance charges to those agencies				
4	which occupy the facility and which receive funds from non-state				
5	sources.				
6	The appropriation shall be used to maintain the police officer				
7	complement of 310 men.				
8	Sufficient funds are included to meet the state's contribution to				
9	the pension trust fund and the supplemental trust fund. Item (2) shall				
10	be disbursed by warrant of the department of finance and administration				
11	made payable to the state police board at its request. Notwithstanding				
12	the provisions of Section 39-2-13 NMSA 1953, the board may provide a				
13	uniform allowance of \$25 per month for state policemen.				
14	From the above appropriation, the stipend paid to state police				
15	recruits attending training school shall be paid on the basis of \$500				
16	per month.				
17	Funds appropriated in item (3) shall be used only for the purpose				
18	of providing a general salary upgrading for civilian employees of the				
19	department. Before expending funds in item (3), the state police shall				
20	certify to the department of finance and administration that this up-				
21	grading is consistent with the salary schedule for employees in the				
22	classified service.				
23	LAW ENFORCEMENT ACADEMY:	\$ 135.4	\$ 25.0	\$ 175.0	3
24	TRANSPORTATION AND EXTRADITION				
25	OF PRISONERS:	100.0			1

Item	General Fund	Other State Funds	Federal Funds	Total
GOVERNOR'S ORGANIZED CRIME				
PREVENTION COMMISSION:	\$ 52.8		\$ 200.0	\$ 252.8
TOTAL PUBLIC SAFETY				\$ 17,611.6

1. STATE HIGHWAY COMMISSION

Item	General Fund	Other State Funds	Federal Funds	Total
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~~The department of finance and administration may approve budget in-
creases in agencies in this category pursuant to Section 3, subsection
C of this act.~~ *BK*

From all cash balances and receipts to the state road fund
including motor fuel taxes, motor vehicle registration fees and
other income as authorized by law, there may be expended:

(1) 100% state construction	\$ 3,500.0		
(2) Interstate	2,950.0	\$ 33,850.0	
(3) Primary	4,780.0	8,870.0	
(4) Secondary	3,100.0	5,750.0	
(5) Urban	1,750.0	3,230.0	
(6) Design	3,419.7	3,530.0	
(7) District operations	33,964.9		
(8) Planning	675.1	1,250.0	
(9) Administration	4,628.0		
(10) Capital outlay	3,600.0		
(11) Maintenance	2,508.1		

		General	Other	Federal	To
	Item	Fund	State	Funds	
3	(12) Other federal construction			\$ 1,750.0	
4	Subtotal				\$123
5	State funds in those line items where matching federal funds are available will be expended only for matching purposes. The department of finance and administration may permit revision and internal transfers of the amounts appropriated in this section. From the above appropriation for administration in item (9), the department shall pay its pro-rata share of the state personnel assessments. The state personnel office shall retain the responsibilities in accordance with Sections 5-4-28 through 5-4-46 NMSA 1953 for operation and management of the personnel section within the state highway department. In addition to the above, there is also appropriated to the department all income received from cooperative agreements for construction and maintenance projects.				

J. OTHER EDUCATION

		General	Other	Federal	To
	Item	Fund	State	Funds	
20	~~The department of finance and administration may approve budget in~~				
21	~~creases in agencies in this category pursuant to Section 3, subsection~~				
22	~~6 of this act.~~ <i>BK</i>				
23	Except as otherwise provided in this subsection, unencumbered				
24	balances of appropriations in this subsection shall not revert.				
25	ARTS COMMISSION:	\$ 65.0	\$ 12.2	\$ 241.6	\$

Item	General Fund	Other State Funds	Federal Funds	Total
MUSEUM OF NEW MEXICO:	\$ 1,022.8	\$ 229.5	\$ 42.2	\$ 1,294.5

Included in the above appropriation are sufficient funds to assure operation of a complete perpetual inventory system of all assets of the museum of New Mexico by June 30, 1975. The state auditor shall certify to the legislature whether a complete perpetual inventory is in operation by June 30, 1975.

In addition to the amounts appropriated above, there is appropriated the sum of \$25,000 from the general fund to the museum to be used only for the purpose of obtaining legal advice regarding the ownership of museum assets. The museum shall report progress quarterly to the legislative finance committee regarding expenses and activities associated with this appropriation.

OLD LINCOLN COUNTY MEMORIAL

COMMISSION:	36.7	48.6		85.3
LIBRARY COMMISSION:	932.4			932.4

Of the above appropriation, the amount of \$274,000 may be used only for the purpose of saving harmless the library commission from the loss of federal F.G.L.S. Title I (P.L. 91-600) funds or other federal funds provided for the continuation of library extension services. Disbursements of all or part of these funds may be made only after the commission certifies, in writing, and the state board of finance determines that funds for this purpose are not available. Also included in the above appropriation is the sum of \$100,000 for aid to local public libraries on the

	Item	General Fund	Other State Funds	Federal Funds	Total
3	basis of greatest need.				
4	DEPARTMENT OF EDUCATION:				
5	(1) Salaries and expenses	\$ 1,604.4	\$ 201.0	\$ 1,385.0	
6	(2) Vocational rehabilitation:				
7	(a) Salaries and expenses	904.5	+ 1,100.2	6,000.0	
8	(b) Determination unit			800.0	
9	(3) Textbook administration	66.6			
10	Subtotal				\$ 12,061
11	Funds for textbook administration are appropriated from funds of the				
12	federal Mineral Lands Leasing Act (30 USCA 181-214) for the fiscal year.				
13	NEW MEXICO TECHNICAL-VOCATIONAL				
14	SCHOOL - EL RITO:	705.0	142.0	248.0	1,095
15	NEW MEXICO SCHOOL FOR THE VISUALLY				
16	HANDICAPPED:	.0	911.0	50.0	961
17	The school shall present quarterly reports to the state board of educa-				
18	tion on progress made in implementing objectives and timetables formu-				
19	lated by the school in conjunction with the state department of educa-				
20	tion staff.				
21	NEW MEXICO SCHOOL FOR THE DEAF:	650.0	1,000.0	100.0	1,750
22	Included in the above appropriation to the New Mexico school for the				
23	deaf are funds for tuition and living expenses which may be paid to				
24	a school for the visually handicapped and deaf. Any resident New				
25	Mexico child who is both deaf and blind and who is certified educable				

Item	General Fund	Other State Funds	Federal Funds	Total
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the New Mexico school for the deaf may qualify to receive a scholarship for tuition and living expenses.

TECHNICAL-VOCATIONAL INSTITUTE: \$ 1,365.0 \$ 2,501.0 \$ 232.0 \$ 4,098.0

The appropriation for the technical-vocational institute shall be distributed by the chief of the public school finance division of the department of finance and administration at the rate of \$325 per full-time equivalent student, provided that the total distribution for the 63rd fiscal year shall not be greater than 60 percent of the full levy revenue received by the technical-vocational institute in the 63rd fiscal year. In the event that distribution of any amount of the general fund appropriation is precluded as a result of these provisions, the excess shall revert to the general fund.

TECHNICAL VOCATIONAL SCHOOL FUND: 139.0 380.0 150.0 669.0

The rate for the purpose of distribution of this fund shall be \$325 per full-time equivalent student.

TOTAL OTHER EDUCATION \$ 23,290.7

K. HIGHER EDUCATION

Item	General Fund	Other State Funds	Federal Funds	Total
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All revenues expended by state agencies enumerated in this category shall be expended only subsequent to and in accordance with budget approval by the board of educational finance and the department of finance and administration. Except as otherwise provided, balances

	General	Other	Federal	
Item	Fund	State	Funds	Total

remaining at the close of the fiscal year shall not revert.

In the event that actual revenues to state agencies in this category exceed the amounts appropriated from

1. federal funds; or
2. other state funds in the form of revenues received in the sixty-third fiscal year; or
3. other state funds in the form of receipts, earnings or balances from bond issue proceeds; or
4. other state funds in the form of receipts or balances resulting from acts of the 1974 legislative session; or
5. other state funds in the form of scholarships, gifts, donations, private endowments or other gratuities received from an outside source; or
6. other state funds in the form of increased income from auxiliary activities;

The department of finance and administration may approve the expenditure of such excess funds received pursuant to Section 3, subsection 6 of this act. Provided, that the department of finance and administration may approve the temporary use of balances which shall be restored to the original amount prior to the close of the 63rd fiscal

year. **3K**

BOARD OF EDUCATIONAL FINANCE:

(1) Salaries and expenses	\$	178.4	\$	58.0	\$	43.0
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Item	General Fund	Other State Funds	Federal Funds	Total
New Mexico junior college				
state support	\$ 260.0			
State student loan				
administration	170.0			
Capital outlay - handicapped	200.0			
Energy research and development		\$ 2,000.0		
Subtotal				\$ 2,909.4

~~Efficient funds are included in the appropriation made in item (1) to ensure that budget information presented by the board of educational finance to the 1975 legislature for all institutions created in Article XII, Section 11 of the New Mexico constitution shall include but shall not be limited to the following: 1) all sources available and explanation of how each source is applied in the budget calculations and 2) translation from institutional internal charts of accounts to budget forms which assures that like sources are reported in like budget categories.~~ **BK**

The appropriation made in item (2) for New Mexico junior college state support shall be distributed by the board of educational finance on the basis of \$325 per full-time equivalent student. In the event that the appropriation is greater than the distribution based on \$325 per full-time equivalent student, the remaining amount shall revert to the general fund.

The appropriation made in item (4) shall be used only for the

		General	Other	Federal	Total
	Item	Fund	State	Funds	
1					
2					
3	purpose of additional costs of remodeling four-year university facil-				
4	ities in order to make them more accessible to handicapped persons.				
5	The appropriation in item (5) is made from the severance tax				
6	income fund created by Laws 1973, Chapter 294 for the 62nd and 63rd				
7	fiscal years for the purpose of funding energy research and develop-				
8	ment proposals of merit and potential benefit to the state submitted				
9	by higher educational institutions in the state. The board of educa-				
10	tional finance shall adopt guidelines for the preparation, review,				
11	application, approval, monitoring and termination of such research				
12	and development proposals. The board of educational finance shall				
13	make a comprehensive, continuing survey of all federal and private-				
14	sector energy-related research and development grants and other fund-				
15	ing; shall identify state- and nonstate-controlled research and				
16	development facilities in New Mexico and the research capabilities				
17	of each facility; and shall make information available to state-				
18	and nonstate-controlled research and development facilities in New				
19	Mexico concerning energy research and development grants and other				
20	funding availability. The board shall initiate, where appropriate,				
21	contact with state- and nonstate-controlled research and development				
22	facilities in New Mexico concerning energy research and development				
23	grants and other funding availability. The board shall initiate,				
24	where appropriate, contact with state- and nonstate-controlled				
25	research and development facilities in New Mexico which may be				

Item	General Fund	Other State Funds	Federal Funds	Total
ible for a particular grant or other funding.				
UNIVERSITY OF NEW MEXICO:				
Current general purposes	\$ 22,346.0	\$ 6,300.0	\$ 665.0	
Inter-collegiate athletics	320.0	1,657.0		
Research	470.0	777.0	6,175.0	
Student exchange program	475.0	44.0		
Medical school--instruction	2,750.0	3,285.0	1,293.0	
Educational television	300.0	155.0		
Gallup branch	126.0	158.0		
Northern branch	152.0	183.0		
College enrichment program	180.0			
1) Cancer center	170.0	10.1		
2) Technical services program	50.0	4.0		
3) State medical investigator	351.0			
4) Public finance research program	25.0			
5) Other		19,075.4	12,162.7	
Subtotal				\$ 79,659.2

cluded in the ~~general fund~~ ^{BK} appropriation in item (5) are sufficient
 funds to operate a family practice program and expand the allied
 health programs.

In addition to the appropriation in item (5), there is appropriated
 from the general fund the sum of \$200,000 which shall be expended only

	Item	General Fund	Other State Funds	Federal Funds	Total
1					
2					
3	in the amount that actual revenues from federal funds for instruction				
4	do not materialize as appropriated in item (5) for the sixty-third				
5	fiscal year.				
6	~~The general fund appropriation made in item (5) is contingent on~~				
7	~~the medical school giving preference in admissions to graduates of~~				
8	~~New Mexico high schools~~ <i>BK</i>				
9	NEW MEXICO STATE UNIVERSITY:				
10	(1) Current general purposes	\$ 12,499.0	\$ 2,640.0	\$ 628.0	
11	(2) Inter-collegiate athletics	342.0	574.0		
12	(3) Research	243.0	1,804.0	11,310.0	
13	(4) Agricultural activities	3,134.0	854.0	2,821.0	
14	(5) State department of				
15	agriculture	722.0	375.0	36.5	
16	(6) Alamogordo branch	205.0	312.0		
17	(7) Carlsbad branch	161.0	165.0		
18	(8) Grants branch	99.0	98.5	2.5	
19	(9) San Juan branch	330.0	2,091.0	5.0	
20	(10) Dona Ana branch	168.0	198.0		
21	(11) Water resources research	126.0	57.0	350.0	
22	(12) Educational television	175.0	25.0		
23	(13) College opportunity program	90.0			
24	(14) Forestry research program	70.0	68.8		
25	(15) Other		7,241.9	1,654.4	

Item	General Fund	Other State Funds	Federal Funds	Total
Subtotal				\$ 51,675.6

cluded within the appropriation in item (5) is the sum of \$50,000
 be used to contract with the federal fish and wildlife service for
 services rendered in destroying predatory animals and rodent pests.

NEW MEXICO HIGHLANDS UNIVERSITY:

1) Current general purposes	\$ 3,199.0	\$ 579.0	\$ 230.0	
2) Inter-collegiate athletics	115.0	69.0		
3) Visiting scientist program	8.0			
4) Open door program	38.0	3.6		
5) Bilingual program	40.0	15.1		
6) Academy of science program	27.0			
7) Other		946.7	1,319.6	
Subtotal				6,590.0

The loan received by highlands university under the terms of Laws 1963,
 Chapter 287, Section 6, shall be repaid from the proceeds of the bond
 issues authorized in Laws 1965, Chapter 238, in accordance with the
 following schedule: 20 percent of the total amount of the loan to be
 repaid from the 1975 issue.

The loan received by highlands university under the terms of Law
 1972, Chapter 98, Section 5, shall be repaid from the proceeds of the
 bond issues authorized in Laws 1965, Chapter 238, in accordance with
 the following schedule: 50 percent of the total amount of the loan to
 be repaid from the 1975 issue.

	Item	General Fund	Other State Funds	Federal Funds	Total
3	WESTERN NEW MEXICO UNIVERSITY:				
4	(1) Current general purposes	\$ 1,853.0	\$ 368.0	\$ 9.0	
5	(2) Inter-collegiate athletics	115.0	43.0		
6	(3) School bus driver institute	6.0	15.0		
7	(4) College opportunity program	35.0			
8	(5) Other		808.8	469.0	
9	Subtotal				\$ 3,727.8
10	EASTERN NEW MEXICO UNIVERSITY:				
11	(1) Current general purposes	5,316.0	1,074.0	102.0	
12	(2) Inter-collegiate athletics	115.0	110.0		
13	(3) Roswell branch	490.0	1,309.5	564.5	
14	(4) Project newgate	80.0	35.0	20.0	
15	(5) Clovis branch	142.0	374.0	25.0	
16	(6) Educational television--				
17	operating	150.0	25.0		
18	(7) College opportunity program	52.0			
19	(8) Internal auditor	25.0			
20	(9) Other		3,903.7	857.8	
21	Subtotal				14,770.3
22	The appropriation made in item (8) shall be used only for employing				
23	an internal auditor ~~who shall be responsible solely to the board of~~				
24	~~regents.~~ ^{BK} The internal auditor shall hold no other position of				
25	responsibility or authority at the university.				

Item	General Fund	Other State Funds	Federal Funds	Total
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The loan received by eastern New Mexico university under the terms of Laws 1972, Chapter 98, Section 4, shall be repaid from the proceeds of the bond issues authorized in Laws 1965, Chapter 238, in accordance with the following schedule: 50 percent of the total amount of the loan to be repaid from the 1975 issue.

NEW MEXICO INSTITUTE OF MINING

AND TECHNOLOGY:

(1) Current general purposes	\$ 1,646.0	\$ 423.5	\$ 21.5	
(2) Research	345.0	130.0	1,736.5	
(3) Mining and geologic activities	750.0	45.0		
(4) College opportunity program	4.0	11.5		
(5) Scanning electron microscope	60.0	60.0		
(6) Other		1,008.8	191.9	
Subtotal				\$ 6,433.7

Included in the general fund appropriation in item (3) is the amount of \$100,000 which is appropriated to the bureau of mines and mineral resources from funds of the federal Mineral Lands Leasing Act (30 USCA 181-214).

~~The appropriation made in item (5) may be expended only in the amount that other funds for the purchase of the microscope are received by the institute.~~ BK

NEW MEXICO MILITARY INSTITUTE:

(1) Current general purposes	151.0	1,608.0	25.0	
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Item	General Fund	Other State Funds	Federal Funds	Total
(2) Inter-collegiate athletics	\$ 105.0	\$ 44.8		
(3) Capital outlay	35.0			
(4) Other		1,476.2	\$ 188.5	
Subtotal				\$ 3,633

The contingency appropriation made in subsection K of Section 4, Chapter 403, Laws 1973 is voided.

Tuition charges.--In the sixty-third fiscal year, the college-level educational institutions shall charge tuition which shall be in addition to earmarked fees according to the following:

	Full-Time	
	<u>Resident Students</u>	<u>Non-Resident Student</u>
University of New Mexico	\$110.25 per semester	\$525.00 per semester
New Mexico state university	110.25 per semester	525.00 per semester
New Mexico highlands university	63.00 per quarter	252.00 per quarter
Western New Mexico university	94.50 per semester	378.00 per semester
Eastern New Mexico university	94.50 per semester	378.00 per semester
New Mexico institute of mining and technology	110.25 per semester	525.00 per semester
New Mexico military institute	130.00 per semester	420.00 per semester
	Part-Time	
	<u>Resident Students</u>	<u>Non-Resident Student</u>
University of New Mexico	\$9.19 per semester hour	\$43.75 per semester
New Mexico state university	9.19 per semester hour	43.75 per semester

Item	General Fund	Other State Funds	Federal Funds	Total
	Part-Time		Part-Time	
	<u>Resident Students</u>		<u>Non-Resident Students</u>	
Mexico highlands university	\$5.25 per quarter hour		\$21.00 per quarter hour	
ern New Mexico university	7.88 per semester hour		31.50 per semester hour	
ern New Mexico university	7.88 per semester hour		31.50 per semester hour	
Mexico institute of mining				
d technology	9.19 per semester hour		43.75 per semester hour	

above tuition schedules shall not apply to the medical school at the
iversity of New Mexico nor to the branch community colleges.

In the sixty-third fiscal year, the branch community colleges shall
arge tuition which shall be in addition to earmarked fees according to
e following:

Resident full-time academic students	\$156.00 per semester
Non-resident full-time academic students	500.00 per semester
Resident part-time academic students	13.00 per semester hour
Non-resident part-time academic students	40.00 per semester hour
Full-time vocational students	90.00 per semester
Part-time vocational students	.25 per contact hour

TAL HIGHER EDUCATION \$169,593.

L. PUBLIC SCHOOL SUPPORT

Item	General Fund	Other State Funds	Federal Funds	Total
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r the sixty-third fiscal year, the following appropriations are made

	Item	General Fund	Other State Funds	Federal Funds	Total
1	from the general fund or other funds as indicated for the purposes				
2	expressed or so much thereof as may be necessary within available				
3	revenues for the fiscal year. The appropriation made to the public				
4	school fund shall be reduced by the amounts transferred to the public				
5	school fund from the current school fund, the funds of the federal				
6	Mineral Lands Leasing Act (30 USCA 181-214) for the fiscal year				
7	and all balances of and receipts to the state revenue sharing trust				
8	fund through June 30, 1975 not otherwise appropriated. Such funds,				
9	balances and receipts are hereby appropriated.				
10	Unencumbered balances ~~remaining to the credit of accounts set~~ ^{BK}				
11	~~out in this section~~ ^{BK} shall revert to the general fund at the end of				
12	the fiscal year unless otherwise indicated.				
13	Expenditures of all funds from any source whatsoever shall be				
14	made only in accordance with budgets approved by the department of				
15	finance and administration as provided by law.				
16	PUBLIC SCHOOL FUND:				
17	(1) State equalization				
18	guarantee distribution				
19	@ \$616.50 per program unit \$183,880.7				
20	(2) Transportation distributions:				
21	(a) Regular 11,245.1				
22	(b) Special 784.0				
23	(c) Vocational 50.0				

Item	General Fund	Other State Funds	Federal Funds	Total
Supplemental distributions:				
(a) Out-of-state tuition	\$ 150.0			
(b) Emergency	150.0			
(c) Program enrichment	489.2			
(d) Special vocational education	150.0			
Subtotal				\$196,890.0

cluded in item (1) is an amount of \$800,000 in addition to the \$100,000 in subsection (A3) which is to be used for early childhood education if House Bill 44 of the Thirty-First Legislature, Second Session becomes law.

Distributions from the public school fund shall be allocated and distributed to the school districts by the chief, public school finance division, in accordance with the following provisions:

State equalization guarantee distribution.--In accordance with the provisions of Section 77-6-19 NMSA 1953, the chief shall compute the amount necessary for a state equalization guarantee distribution.

Provided, however, the state department of education shall not approve programs that, at full funding per program unit as provided in item (1), would require more from the appropriation in item (1) than the following amounts allocated for:

(1) Special education

A/B, C and D 8,960.0

	Item	General Fund	Other State Funds	Federal Funds	Total
3	(2) Vocational education	\$ 2,296.0			
4	(3) Early childhood				
5	education	896.0			
6	(4) Bilingual multicultural				
7	education	1,000.0			

8 If full funding per program unit would result in decrease of programs
9 approved for 1973-74, the state department of education is authorized
10 to decrease the dollar per program unit as necessary in order to
11 maintain existing programs.

12 In approving programs for bilingual multicultural education, the
13 state department of education shall assure that students whose only
14 language is English are eligible for admission to the program.
15 Provided, however, first priority for such programs shall be given
16 to students whose mother tongue is other than the English language.

17 (B) Transportation.--The appropriation shall be distributed in
18 accordance with Sections 77-6-22 and 77-6-23, NMSA 1953 except that
19 the appropriation in item (2c) shall be used only for the purpose
20 of making payments to school districts for transportation costs of
21 students from their regular attendance center to the place where
22 vocational education programs are being offered.

23 Included in the appropriations for school transportation are
24 sufficient funds to provide increases in depreciation allowance and
25 administration and supervision costs of 10 percent and 12 percent

Item	General Fund	Other State Funds	Federal Funds	Total
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respectively for reimbursements to school bus contractors.

(C) Supplemental distribution.--The appropriation for supplemental purposes shall be distributed in accordance with provisions of Section 77-6-29, NMSA 1953.

Of the appropriation in item (3c) the maximum amounts for the purposes stated may be allocated to school districts:

(a) for special education diagnostic services, \$239,250 upon direction of the state superintendent of public instruction; and

(b) for bilingual-bicultural demonstration and teacher training centers, the necessary educational services centers and the bilingual teacher training network, \$249,950.

(D) Included in item (1) is an amount to provide safe harmless in accordance with House Bill 85, Section 22, Thirty-First Legislature, Second Session, if it becomes law.

It is the intent of the legislature that local boards of education, in budgeting any funds available for the 63rd fiscal year, place high priority on increasing the salary levels of all certified and non-certified public school personnel.

FREE TEXTBOOK FUND:	\$ 3,124.8	\$ 3,124.8
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The appropriation to the textbook fund is made from funds of the federal Mineral Lands Leasing Act (30 USCA 181-214). Balances shall not revert.

TOTAL PUBLIC SCHOOL SUPPORT		\$200,024.5
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Item	General Fund	Other State Funds	Federal Funds	Total
GRAND TOTAL--SIXTY-THIRD FISCAL				
YEAR APPROPRIATIONS				\$730,959.0
Section 5. EMERGENCY AND DEFICIENCY APPROPRIATIONS.--There is appropriated from the general fund, or other funds, as indicated for the 62nd fiscal year, unless otherwise indicated, the amounts set out below to meet emergencies and deficiencies.				
(1) Administrative office of the courts:	\$ 70.0			70.0
To be used to pay outstanding vouchers of the 61st fiscal year for various judicial districts.				
(2) State police:	55.6			55.6
To be used to cover overexpenditures of the 60th and 61st fiscal years.				
(3) State police:	19.7			19.7
To be used to meet the increased costs of gasoline and oil.				
(4) State police:	400.0			400.0
To be used in the 62nd and 63rd fiscal years for the regular replacement of state police automobiles.				
(5) Administrative office of the courts:	36.2			36.2
To be used to meet increased costs of employee benefits.				
(6) First judicial district court:	4.4			4.4
To be used to meet necessary operating expenses.				

Item	General Fund	Other State Funds	Federal Funds	Total
(7) Fifth judicial district court:	\$ 15.4			\$ 15.4
To be used to meet necessary operating expenses.				
(8) Motor vehicle department:	30.0			30.0
To be used to assume the operation of the Gallup field office.				
(9) State personnel board:	\$ 21.7			21.7
The appropriation is made from available cash balances for meeting necessary operating expenses.				
(10) Corporation commission:	31.3			31.3
To be used to meet necessary operating expenses.				
(11) Human rights commission:	7.2			7.2
To be used to meet necessary operating expenses.				
(12) Labor and industrial commission:	15.4			15.4
The appropriation may be expended only in the amount that federal funds made available ~~to the state~~ ^{BK} under the provisions of the Emergency Employment Act in the 61st fiscal year are decreased in the 62nd fiscal year.				
(13) Public service commission:				
The commission may expend the amount appropriated in Laws 1973, Chapter 403, Section 4, subsection D, line item: "salary and benefits for staff director", for necessary operating expenses instead.				
(14) Racing commission:	20.0			20.0
To be used to meet necessary operating expenses.				

Item	General Fund	Other State Funds	Federal Funds	Total
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(15) Commission on aging:	\$ 5.5			\$ 5.
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To be used to meet necessary operating expenses.

(16) Transportation and extradition of prisoners:	30.0			30.
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To be used to meet necessary operating expenses.

(17) Eastern New Mexico university:	260.0			260.
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The appropriation shall be used to eliminate all debt service deficiencies. On June 30, 1974 the contingency and replacement reserve shall have a balance of \$33,800 and the bond reserve account shall have a balance of \$515,600. The university shall not borrow nor expend these reserves contrary to the provisions of the bond indentures. Balances shall not revert.

(18) New Mexico state university:	114.0			114.
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To be used for needed capital outlay of the forestry research program during 62nd and 63rd fiscal years.

(19) Public school fund:	555.0			555.
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The appropriation may be used to offset unanticipated increases in cost of liquified petroleum gas and other heating fuel and for unanticipated decreases in school district membership. The appropriation shall be disbursed as provided in Section 77-6-29(3) NMSA 1953.

Section 6. RESERVE FUNDS.--There is appropriated to the "Operating Reserve Fund" from the unappropriated balance in the general fund at

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Item	General Fund	Other State Funds	Federal Funds	Total
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June 30, 1974, the sum of \$5,000,000 to bring the balance in the fund to \$20,000,000. The operating reserve fund shall be used only upon specific authorization of the legislature and only in the event revenues to and balances carried forward in the general fund fail to meet the level of appropriations authorized.

There is appropriated to the "State Support Reserve Fund" created by Section 77-6-30 NMSA 1953 from the unappropriated balance in the general fund at June 30, 1974, the sum of \$3,000,000 to bring the balance in the fund to \$5,000,000.

Section 7. CONTINGENCY FOR MOTOR VEHICLE FUEL PRICE INCREASE.--The following contingent appropriations are made from the unappropriated balance in the general fund at June 30, 1974, or so much thereof as may be necessary for the purposes specified.

1) Public school fund--transportation:

(a) Regular \$ 109.2

(b) Special 8.2

Subtotal

\$ 117.4

The director of school transportation may draw upon this contingency appropriation during the 62nd fiscal year to meet unanticipated increases in price of motor vehicle fuel. The appropriation shall be disbursed as provided in Sections 77-6-22 and 77-6-23 NMSA 1953.

2) Public school fund--transportation:

Item	General Fund	Other State Funds	Federal Funds	Total
(a) Regular	\$ 325.5			
(b) Special	24.5			
Subtotal				\$ 350.

The director of school transportation may draw upon this contingency appropriation during the 63rd fiscal year to meet increases in price of motor vehicle fuel. The appropriation shall be disbursed as provided in Sections 77-6-22 and 77-6-23 NMSA 1953.

Section 8. ~~CONTINGENCY CLAUSE. The appropriations made in this General Appropriation Act of 1974 are contingent upon the definitions and general provisions contained in Sections 2, 3 and 8 of this act.~~ BK

Section 9. SEVERABILITY.--If any part or application of this act is held invalid, the remainder of the act or its application to other situations or persons shall not be affected.

The Legislature of the State of New Mexico

____ 31st ____ Legislature, ____ 2nd ____ Session

LAWS _____ 1940 _____

CHAPTER 5 _____

HOUSE BILL NO. 19

Introduced by

REPRESENTATIVES WILLIAM O'DONNELL, LENTON MALRY,
RAYMOND GARCIA, JOHN R. TOMLIN, DANIEL M. PROVENCIO,
DANIEL LYON, FRED CHAVEZ, JR., FRANK SALOPEK,
RICHARD J. KLOEPPPEL, T. E. (TOM) BROWN, JR.,
RALPH D. HARTMAN, CECIL W. COOK, ABEL E. McBRIDE,
VERNON N. KERR, WALTER K. MARTINEZ, LEO C. WATCHMAN,
JOHN HAYS, JR., FRED LUNA, SAMUEL F. VIGIL, HOYT PATTISON,
RICHARD A. CARBAJAL, WALKER M. BRYAN, JAMES H. KOCH,
ELOY P. QUINTANA, WILLIAM E. WARREN AND BOBBY F. DURAN



CHAPTER 5

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; AMENDING CERTAIN SECTIONS OF THE
EDUCATIONAL RETIREMENT ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 77-9-20 NMSA 1953 (being Laws 1967, Chapter
16, Section 144) is amended to read:

"77-9-20. CONTRIBUTIONS--MEMBERS--LOCAL ADMINISTRATIVE UNITS.--

A. Each member shall make contributions to the fund in the
amount of five and one-half percent of his annual salary.

B. Each local administrative unit shall make a yearly con-
tribution to the fund of a sum equal to six and one-half percent of
the annual salary of each member employed by the local administrative
unit."

Section 2. Section 77-9-22 NMSA 1953 (being Laws 1967, Chapter
16, Section 146, as amended) is amended to read:

"77-9-22. RETIREMENT ELIGIBILITY.--

A. Prior to July 1, 1974:

(1) a member shall be eligible for retirement benefits
pursuant to the Educational Retirement Act when either of the follow-
ing conditions occurs:

(a) upon completion of fifteen years earned
service-credit and upon becoming sixty years of age; or

(b) upon completion of five years earned service-
credit and upon becoming sixty-five years of age;

1 (2) a member under sixty years of age acquiring thirty
2 or more years of earned and allowed service-credit may retire and re-
3 ceive the actuarial equivalent of the retirement benefits pursuant to
4 the Educational Retirement Act that he would be eligible to receive if
5 he were to retire at the age of sixty years; or

6 (3) a member under sixty years of age acquiring thirty-
7 five or more years of earned and allowed service-credit may retire and
8 receive retirement benefits pursuant to the Educational Retirement Act
9 computed on the same basis as if the member were sixty years of age.

10 B. On and after July 1, 1974:

11 (1) a member shall be eligible for retirement benefits
12 pursuant to the Educational Retirement Act when either of the following
13 conditions occurs:

14 (a) when the sum of the member's age and years of
15 earned service-credit equals seventy-five; or

16 (b) upon completion of five years earned service-
17 credit and upon becoming sixty-five years of age;

18 (2) a member under sixty years of age eligible to re-
19 tire under Subsection B (1) of this section may retire and receive
20 retirement benefits pursuant to the Educational Retirement Act that
21 he would be eligible to receive if he were to retire at the age of
22 sixty years reduced by one and two-tenths percent for each one-fourth,
23 or portion thereof, year that retirement occurs prior to age sixty; or

24 (3) a member under sixty years of age acquiring thirty-
25 five or more years of earned and allowed service-credit may retire and

1 receive retirement benefits pursuant to the Educational Retirement Act
2 computed on the same basis as if the member were sixty years of age."

3 Section 3. Section 77-9-26 NMSA 1953 (being Laws 1967, Chapter
4 16, Section 150, as amended) is amended to read:

5 "77-9-26. DEFERRED RETIREMENT--RESTRICTION.--

6 A. A member eligible for retirement may continue in employ-
7 ment and shall continue to pay contributions as provided by the Educa-
8 tional Retirement Act.

9 B. A member may terminate his employment and retire at any
10 time after his age and his earned service-credit equal the sum of
11 seventy-five, if the contributions he has made are left in the fund.

12 C. A member having five years or more of earned service-
13 credit may terminate his employment and retire at any time after
14 reaching the age of sixty-five years if the contributions he has made
15 are left in the fund.

16 D. No member shall be on a retirement status while engaged
17 in employment."

18 Section 4. Section 77-9-29 NMSA 1953 (being Laws 1967, Chapter
19 16, Section 153, as amended) is amended to read:

20 "77-9-29. RETIREMENT BENEFITS.--

21 A. Retirement benefits for a member retired pursuant to the
22 Educational Retirement Act on or before June 30, 1967, shall be paid
23 monthly and shall be one-twelfth of a sum equal to one and one-half
24 percent of the first four thousand dollars (\$4,000) of the member's
25 average annual salary and one percent of the remainder of the member's

1 average annual salary multiplied by the number of years of the mem-
2 ber's total service-credit.

3 B. Retirement benefits for a member retired pursuant to the
4 Educational Retirement Act on or after July 1, 1967, but on or before
5 June 30, 1971, shall be paid monthly and shall be one-twelfth of a sum
6 equal to one and one-half percent of the first six thousand six hundred
7 dollars (\$6,600) of the member's average annual salary and one percent
8 of the remainder of the member's average annual salary multiplied by
9 the number of years of the member's total service-credit.

10 C. Retirement benefits for a member retired pursuant to the
11 Educational Retirement Act on or after July 1, 1971, but on or before
12 June 30, 1974, shall be paid monthly and shall be one-twelfth of a sum
13 equal to one and one-half percent of the member's average annual salary
14 multiplied by the number of years of the member's total service-credit.

15 D. Retirement benefits for a member retired pursuant to the
16 Educational Retirement Act on or before June 30, 1974, but returning
17 to employment on or after July 1, 1974, for a cumulation of one or
18 more years shall be computed pursuant to Subsection E of this section.
19 Retirement benefits for a member retired pursuant to the Educational
20 Retirement Act on or before June 30, 1974, but returning to employment
21 on or after July 1, 1974, for a cumulation of less than one year shall
22 be computed pursuant to Subsection A of this section, if his date of
23 last retirement was on or before June 30, 1967, or pursuant to Sub-
24 section B of this section if his date of last retirement was on or
25 after July 1, 1967, but not later than June 30, 1971, or pursuant to

1 Subsection C of this section if his date of last retirement was on or
2 after July 1, 1971, but not later than June 30, 1974.

3 E. Retirement benefits for a member, age sixty or over,
4 retired pursuant to the Educational Retirement Act on or after July 1,
5 1974, shall be paid monthly and shall be one-twelfth of a sum equal to
6 one and one-half percent of the member's average annual salary multi-
7 plied by the number of years of service-credit for (1) prior employ-
8 ment and (2) allowed service-credit for service performed prior to
9 July 1, 1957, plus two percent of the member's average annual salary
10 multiplied by the number of years of service-credit for (1) contribu-
11 tory employment and (2) allowed service-credit for service performed
12 after July 1, 1957.

13 F. A member's average annual salary, pursuant to this
14 section, shall be computed on the basis of the last five years for
15 which contribution was made, or upon the basis of any consecutive five
16 years for which contribution was made by the member, whichever is high-
17 er."

18 Section 5. Section 77-9-30 NMSA 1953 (being Laws 1967, Chapter
19 16, Section 154, as amended) is amended to read:

20 "77-9-30. RETIREMENT BENEFITS--COST OF LIVING INCREASE.--
21 The monthly retirement benefits, including any cost of living increase
22 granted pursuant to the terms of this section prior to its amendment
23 as of July 1, 1974, for a member, or his surviving beneficiary, re-
24 tired pursuant to the Educational Retirement Act on or before June 30,
25 1974, or for a person retired pursuant to any law repealed by the

The Legislature of the State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 7

HOUSE BILL NO. 44, as amended

Introduced by

REPRESENTATIVES WILLIAM E. WARREN, JOHN R. TOMLIN,
ABEL E. McBRIDE, HOYT PATTISON, SAMUEL F. VIGIL,
ELOY P. QUINTANA AND BOBBY F. DURAN



CHAPTER 7

AN ACT

RELATING TO COMPULSORY SCHOOL ATTENDANCE; AMENDING SECTIONS 77-6-2 AND 77-10-2 NMSA 1953 (BEING LAWS 1967, CHAPTER 16, SECTIONS 56 AND 170, AS AMENDED).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 77-6-2 NMSA 1953 (being Laws 1967, Chapter 16, Section 56, as amended) is amended to read:

"77-6-2. DEFINITIONS.--As used in the Public School Finance Act:

A. "division" means the public school finance division of the department of finance and administration;

B. "qualified student" means a public school student who:

(1) has not graduated from high school;

(2) is regularly enrolled in one-half or more of the minimum course requirements approved by the state board for public school students; and

(3) is at least six years of age prior to 12:01 a.m.:

(a) on January 1 of the school year, if approved early childhood education programs are not provided for the student by the school district;

(b) on December 1, 1974, for the school year 1974-75, if approved early childhood education programs are provided for the student by the school district;

(c) on November 1, 1975, for the school year 1975-76, if approved early childhood education programs are provided

House Bill 44, as amended
Approved February 16, 1974

1 for the student by the school district;

2 (d) on October 1, 1976, for the school year
3 1976-77, if approved early childhood education programs are provided
4 for the student by the school district;

5 (e) on September 1, 1977, for the school year
6 1977-78, and all succeeding school years, if approved early childhood
7 education programs are provided for the student by the school district;

8 C. "membership" means the total enrollment of qualified
9 students for each school day of the school year used, minus with-
10 drawals of qualified students, divided by the number of school days of
11 the school year used. Withdrawals of qualified students, in addition
12 to qualified students formally withdrawn from the public school, in-
13 cludes qualified students absent from the public school for as many as
14 ten consecutive school days;

15 D. "basic program" means that educational program for each
16 school district which the state shall support by the basic distribu-
17 tion;

18 E. "basic distribution" means that dollar distribution
19 based on the computations provided in Sections 77-6-18 through
20 77-6-18.5 and 77-6-19 through 77-6-19.3 NMSA 1953; and

21 F. "supplemental distribution" means that dollar distri-
22 bution approved by the state superintendent and the chief which is
23 distributed by the chief for the purpose of funding for specific
24 educational purposes."

25 Section 2. Section 77-10-2 NMSA 1953 (being Laws 1967, Chapter

1 16, Section 170, as amended) is amended to read:

2 "77-10-2. COMPULSORY SCHOOL ATTENDANCE--RESPONSIBILITY.--

3 A. Any qualified student, as defined by the Public School
4 Finance Act, until attaining seventeen years of age shall attend a
5 public school, a private school maintaining courses of instruction ap-
6 proved by the state board, or a program of instruction offered by a
7 state institution. A person may be excused from this requirement if:

8 (1) the person is specifically exempted by law from
9 the provisions of this section;

0 (2) the person has graduated from a high school ap-
1 proved by the department of education;

2 (3) with consent of the parent, guardian, or person
3 having custody and control of the person to be excused, the person is
4 excused from the provisions of this section by the superintendent of
5 schools of the school district in which the person is a resident, and
6 such person is under eight years of age;

7 (4) the person is a high school student and has passed
8 the general educational development test;

9 (5) the person is a high school student and can prove
0 to the local school board that he is not personally benefiting from a
1 high school program or has a justifiable reason for not attending
2 school;

3 (6) the person is a high school student and can prove
4 to the local school board that he has a plan for pursuing educational
5 interests that the school is not satisfying; or

1 (7) the person is judged, based on standards and pro-
2 cedures adopted by the state board of education, to be unable to
3 benefit from instruction because of mental, physical or emotional
4 conditions.

5 B. A person subject to the provisions of the Compulsory
6 School Attendance Law shall attend school for at least the length of
7 time of the school year that is established in the school district in
8 which the person is a resident.

9 C. Any parent, guardian or person having custody and
10 control of a person subject to the provisions of the Compulsory School
11 Attendance Law is responsible for the school attendance of that
12 person."

The Legislature of the State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 8

HOUSE BILL NO. 85, AS AMENDED.

Introduced by

REPRESENTATIVES WILLIAM E. WARREN, JOHN R. TOMLIN
ABEL E. McBRIDE AND SAMUEL F. VICIL



CHAPTER 8

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; AMENDING, REPEALING AND ENACTING
CERTAIN SECTIONS OF THE NMSA 1953.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 77-6-2 NMSA 1953 (being Laws 1967, Chapter
16, Section 56, as amended) is repealed and a new Section 77-6-2
NMSA 1953 is enacted to read:

"77-6-2. DEFINITIONS.--As used in the Public School Finance
Act:

A. "ADM" means average daily membership;

B. "average daily membership" means the total enrollment
of students for each school day of the school year used, minus with-
drawals of students, divided by the number of school days of the
school year used. Withdrawals of students, in addition to students
formally withdrawn from the public school, includes students absent
from the public school for as many as ten consecutive school days;

C. "basic program ADM" means the average daily membership
of qualified students in the basic program and includes the ADM in
special education program Classes A and B, as defined in Section
77-6-18.4 NMSA 1953, but excludes the full-time equivalent ADM in
early childhood education programs and ADM in special education
program Classes C and D, as defined in Section 77-6-18.4 NMSA 1953;

D. "cost differential factor" is the numerical expression
of the ratio of the cost of a particular segment of the school pro-

House Bill 85, as amended
Approved February 16, 1974

1 gram to the cost of the basic program in grades four through six;

2 E. "division" means the public school finance division of
3 the department of finance and administration;

4 F. "full-time equivalent ADM" is that average daily mem-
5 bership calculated by applying to the ADM in an approved public
6 school program the ratio of the number of hours per school day de-
7 voted to the program to six hours or the number of hours per school
8 week devoted to the program to thirty hours;

9 G. "early childhood education ADM" means the full-time
10 equivalent ADM of students attending approved early childhood educa-
11 tion programs;

12 H. "program cost" is the product of the total number of
13 program units to which a school district is entitled multiplied by
14 the dollar value per program unit established by the legislature;

15 I. "program element" is that component of a public school
16 system to which a cost differential factor is applied to determine
17 the number of program units to which a school district is entitled,
18 including but not limited to ADM, full-time equivalent ADM, teacher,
19 classroom or public school;

20 J. "program unit" is the product of the program element
21 multiplied by the applicable cost differential factor;

22 K. "qualified student" means a public school student who:

23 (1) has not graduated from high school;

24 (2) is regularly enrolled in one-half or more of the
25 minimum course requirements approved by the state board for public

1 school students; and

2 (3) is at least six years of age prior to 12:01 a.m.:

3 (a) on January 1 of the school year, if approved
4 early childhood education programs are not provided for the student
5 by the school district;

6 (b) on December 1, 1974, for the school year
7 1974-75, if approved early childhood education programs are provided
8 for the student by the school district;

9 (c) on November 1, 1975, for the school year
10 1975-76, if approved early childhood education programs are provided
11 for the student by the school district;

12 (d) on October 1, 1976, for the school year
13 1976-77, if approved early childhood education programs are provided
14 for the student by the school district; or

15 (e) on September 1, 1977, for the school year
16 1977-78, and all succeeding school years, if approved early childhood
17 education programs are provided for the student by the school dis-
18 trict; and

19 L. "special education ADM" means the average daily mem-
20 bership in approved special education programs as defined in Section
21 77-6-18.4 NMSA 1953."

22 Section 2. Section 77-6-4 NMSA 1953 (being Laws 1967, Chapter
23 16, Section 58, as amended) is amended to read:

24 "77-6-4. PUBLIC SCHOOL FINANCE DIVISION--DUTIES.--In addition
25 to other duties provided by law, the division shall:

1 A. prescribe the forms for, and supervise and control the
2 preparation of, all budgets of all public schools and school dis-
3 tricts;

4 B. compile accurate information concerning public school
5 finance and administration; and

6 C. advise and consult with the state superintendent in
7 regard to financial matters affecting public schools and school dis-
8 tricts."

9 Section 3. Section 77-6-14 NMSA 1953 (being Laws 1967, Chapter
10 16, Section 68, as amended) is repealed and a new Section 77-6-14
11 NMSA 1953 is enacted to read:

12 "77-6-14. MEMBERSHIP REPORTS.--

13 A. Each local school board shall require each public school
14 in its school district to keep accurate records concerning membership
15 in the public school. The superintendent of each school district
16 shall furnish to the department of education and, when required by
17 the chief, to the division, the following reports for each twenty-day
18 reporting period not later than five days following the close of each
19 reporting period:

20 (1) the basic program ADM by grade in each public
21 school;

22 (2) the early childhood education ADM;

23 (3) the special education ADM in each public school by
24 classes as defined in Section 77-6-18.4 NMSA 1953; and

25 (4) the full-time equivalent ADM for the following ap-

1 proved programs:

2 (a) vocational education; and

3 (b) bilingual-multicultural education.

4 B. The superintendent of each school district shall fur-
5 nish to the department of education and, when required by the chief,
6 to the division, cumulative reports of the information required in
7 Paragraphs (1) through (4) of Subsection A of this section for the
8 first forty days of the school year, the first eighty days of the
9 school year and for the entire school year. The reports for the
10 first forty days and the first eighty days shall be furnished within
11 five days of the close of the cumulative reporting period. The re-
12 port for the entire school year shall be furnished not later than
13 fifteen days following the end of each school year. When the chief
14 does not require that school district reports be submitted directly
15 to him, the state superintendent shall furnish to the chief the for-
16 ty-day reports by December 1 of each year, the eighty-day reports by
17 February 1 of each year and the entire school year report by July 1
18 of each year.

19 C. All information required pursuant to this section shall
20 be on forms prescribed and furnished by the department of education.
21 A copy of any report made pursuant to this section shall be kept as a
22 permanent record of the school district and shall be subject to in-
23 spection and audit at any reasonable time.

24 D. The state superintendent shall notify the chief, in
25 writing, of any school district superintendent's failure to comply

1 with the requirements of this section. The chief shall withhold a
2 lotments of funds to any school district where the superintendent
3 failed to comply until the superintendent complies with and agrees
4 continue complying with requirements of this section.

5 E. The provisions of this section may be modified or su
6 pended by the state board for any school district or school operat
7 under the Variable School Calendar Act. The state superintendent
8 shall require ADM reports consistent with the calendar of operatio
9 of such school district or school and furnish to the chief an equi
10 alent ADM for use in calculating school district revenue."

11 Section 4. Section 77-6-15 NMSA 1953 (being Laws 1967, Chapt
12 16, Section 69, as amended) is amended to read:

13 "77-6-15. PUBLIC SCHOOL FUND.--

14 A. The "public school fund" is created.

15 B. This fund shall be distributed to school districts i
16 the following parts:-

17 (1) state equalization guarantee distribution;

18 (2) transportation distributions:

19 (a) regular;

20 (b) special; and

21 (c) vocational education; and

22 (3) supplemental distributions:

23 (a) out-of-state tuition;

24 (b) emergency;

25 (c) program enrichment; and

1 (d) special vocational education.

2 C. The distributions of the public school fund shall be
3 made by the chief within limits established by law. The balance re-
4 maining in the public school fund at the end of each fiscal year
5 shall revert to the general fund unless otherwise provided by law."

6 Section 5. Section 77-6-16 NMSA 1953 (being Laws 1967, Chapter
7 16, Section 70) is amended to read:

8 "77-6-16. ALLOCATION LIMITATION.--The chief shall determine the
9 allocations to each school district from each of the distributions of
10 the public school fund, subject to the limits established by law."

11 Section 6. Section 77-6-17 NMSA 1953 (being Laws 1967, Chapter
12 16, Section 71) is amended to read:

13 "77-6-17. PAYMENT TO SCHOOL DISTRICTS.--The chief shall make
14 payments of each distribution of the public school fund by warrant of
15 the department of finance and administration drawn against the public
16 school fund upon vouchers issued by the chief. When payments are
17 made to county treasurers for school districts within the county, the
18 county treasurer shall hold and allocate these funds solely for the
19 use and benefit of the specific school district and purpose for which
20 the allocation was made."

21 Section 7. Section 77-6-18 NMSA 1953 (being Laws 1969, Chapter
22 180, Section 13) is repealed and a new Section 77-6-18 NMSA 1953 is
23 enacted to read:

24 "77-6-18. PROGRAM COST DETERMINATION--REQUIRED INFORMATION.--

25 A. The program cost for each school district shall be de-

1 terminated by the chief in accordance with the provisions of the Public
2 School Finance Act.

3 B. The chief is authorized to require from each school
4 district the information necessary to make an accurate determination
5 of the district's program cost."

6 Section 8. Section 77-6-18.1 NMSA 1953 (being Laws 1969, Chap-
7 ter 180, Section 14, as amended) is repealed and a new Section
8 77-6-18.1 NMSA 1953 is enacted to read:

9 "77-6-18.1. PROGRAM COST CALCULATION.--The total program units
10 for the purpose of computing the program cost shall be calculated by
11 multiplying the sum of the program units itemized as (1) through (5)
12 in this section by the instruction staff training and experience in-
13 dex and then adding the program units itemized as (6) and (7) in this
14 section. The itemized program units are as follows:

- 15 (1) early childhood education;
- 16 (2) basic;
- 17 (3) special education, adjusted by subtracting the
18 units derived from Class D special education ADM in private, nonsec-
19 tarian, nonprofit training centers;
- 20 (4) vocational education;
- 21 (5) bilingual-multicultural education;
- 22 (6) sparsity; and
- 23 (7) special education units derived from Class D
24 special education ADM in private, nonsectarian, nonprofit training
25 centers."

Section 9. Section 77-6-18.2 NMSA 1953 (being Laws 1969, Chapter 180, Section 15) is repealed and a new Section 77-6-18.2 NMSA 1953 is enacted to read:

"77-6-18.2. EARLY CHILDHOOD EDUCATION PROGRAM UNITS.--The number of early childhood education program units is determined by multiplying the early childhood education ADM by the cost differential factor 1.1."

Section 10. Section 77-5-18.3 NMSA 1953 (being Laws 1969, Chapter 180, Section 16) is repealed and a new Section 77-6-18.3 NMSA 1953 is enacted to read:

"77-6-18.3. BASIC PROGRAM UNITS.--The number of basic program units is determined by multiplying the basic program ADM in each grade by the corresponding cost differential factor as follows:

<u>Grades</u>	<u>Cost differential factor</u>
1 through 3	1.1
4 through 6	1.0
7 through 9	1.2
10 through 12	1.4."

Section 11. Section 77-6-18.4 NMSA 1953 (being Laws 1969, Chapter 180, Section 17, as amended) is repealed and a new Section 77-6-18.4 NMSA 1953 is enacted to read:

"77-6-18.4. SPECIAL EDUCATION PROGRAM UNITS.--

A. For the purpose of the Public School Finance Act, special education programs for exceptional children are those approved by the department of education and classified as follows:

1 (1) Class A programs, in which a specially trained
2 teacher travels from class to class or school to school assisting
3 teachers and students on a part-time basis and in which the ratio of
4 students to teachers is prescribed by the department of education;

5 (2) Class B programs, in which a specially trained
6 teacher is assigned to a classroom, called a "resource room", and
7 works with students on a regular part-time basis and in which the ra-
8 tio of students to teachers is regulated by special education stan-
9 dards approved by the state board of education;

10 (3) Class C programs for moderately handicapped stu-
11 dents who are either homebound or whose needs require a specially
12 trained teacher working in a special classroom; the ratio of students
13 to teachers in Class C programs is regulated by special education
14 standards approved by the state board of education; and

15 (4) Class D programs for severely handicapped stu-
16 dents, in which a specially trained teacher is assigned full-time to
17 a special classroom and in which the ratio of students to teachers is
18 regulated by special education standards approved by the state board
19 of education; students in Class D programs may be enrolled in private,
20 nonsectarian, nonprofit educational training centers in accordance
21 with the provisions of Section 77-11-3.3 NMSA 1953.

22 B. All students assigned to the programs for exceptional
23 children classified in Subsection A of this section must have been so
24 assigned as a result of diagnosis and evaluation performed in accor-
25 dance with the standards of the department of education before the

students can be counted in the determination of special education program units as provided in Subsection C of this section.

C. The number of special education program units is the sum of the following:

(1) the number of full-time specially trained teachers assigned to Class A programs multiplied by the cost differential factor 20;

(2) the number of resource rooms devoted to Class B programs multiplied by the cost differential factor 20;

(3) the special education ADM in Class C programs multiplied by the cost differential factor 1.9; and

(4) the special education ADM in Class D programs multiplied by the cost differential factor 3.8."

Section 12. Section 77-6-18.5 NMSA 1953 (being Laws 1969, Chapter 180, Section 18, as amended) is repealed and a new Section 77-6-18.5 NMSA 1953 is enacted to read:

"77-6-18.5. VOCATIONAL EDUCATION PROGRAM UNITS.--The number of vocational education program units is determined by multiplying the full-time equivalent ADM in approved vocational education programs by the cost differential factor 0.8."

Section 13. A new Section 77-6-18.6 NMSA 1953 is enacted to read:

"77-6-18.6. BILINGUAL-MULTICULTURAL EDUCATION PROGRAM UNITS.--The number of bilingual-multicultural education program units is determined by multiplying the full-time equivalent ADM of programs ap-

proved under the Bilingual Multi-Cultural Education Act by the cost differential 0.5."

Section 14. A new Section 77-6-18.7 NMSA 1953 is enacted to read:

"77-6-18.7. SPARSITY PROGRAM UNITS.--An approved public school with ADM of less than 200 and a district with ADM less than 4000 including special education ADM but excluding early childhood education ADM, are eligible for additional program units. The number of additional program units to which a school district is entitled is the sum of the Elementary-Junior High units, the Senior High units, and the District units computed in the following manner:

Elementary-Junior High Units

$$\frac{(200 - ADM)}{(200)} \times 1.0 \times ADM = \text{Units}$$

Where ADM is equal to the membership of an approved elementary or junior high school including a special education membership but excluding early childhood education membership.

Senior High Units

$$\frac{(200 - ADM)}{(200)} \times 2.0 \times ADM = \text{Units}$$

Where ADM is equal to the membership of an approved senior high school including special education membership but excluding early childhood education membership.

District Units

$$\frac{(4000 - ADM)}{(4000)} \times ADM \times 0.15 = \text{Units}$$

Where ADM is equal to the membership of a school district including special education membership but excluding early childhood education

membership."

Section 15. A new Section 77-6-18.8 NMSA 1953 is enacted to read:

"77-6-18.8. INSTRUCTIONAL STAFF TRAINING AND EXPERIENCE INDEX--
DEFINITIONS--FACTORS--CALCULATION.--

A. For the purpose of calculating the instructional staff training and experience index the following definitions and limitations shall apply:

(1) "instructional staff" means the personnel assigned to the instructional program of the school district, excluding principals, substitute teachers, instructional aides, secretaries and clerks;

(2) the number of instructional staff to be counted in calculating the instructional staff training and experience index is the actual number of instructional staff on the October payroll;

(3) the number of years of experience to be used in calculating the instructional staff training and experience index is that number of years of experience allowed for salary increment purposes on the salary schedule of the school district; and

(4) the academic degree and additional credit hours to be used in calculating the instructional staff training and experience index is the degree and additional credit hours allowed for salary increment purposes on the salary schedule of the school district.

B. The factors for each classification of academic train-

ing by years of experience are provided in the following table:

Academic classification	<u>Years of experience</u>				
	0 - 2	3 - 5	6 - 8	9 - 15	Over 15
Bachelor's degree or less	.75	.90	1.00	1.05	1.05
Bachelor's degree plus 15 credit hours	.80	.95	1.00	1.10	1.15
Master's degree or bachelor's degree plus 45 credit hours	.85	1.00	1.05	1.15	1.20
Master's degree plus 30 credit hours	.90	1.05	1.15	1.30	1.35
Post-master's degree or master's degree plus 45 credit hours	1.00	1.15	1.30	1.40	1.50

C. The instructional staff training and experience index for each school district shall be calculated as follows:

(1) multiply the number of instructional staff in each academic classification by the numerical factor in the appropriate "years of experience" column provided in the table in Subsection B of this section;

(2) add the products calculated in Paragraph (1) of this subsection; and

(3) divide the total obtained in Paragraph (2) of this subsection by the total number of instructional staff.

D. In the event that the result of the application of the

1 training and experience index is .95 or less, the district's factor
2 shall be no less than .95."

3 Section 16. Section 77-6-19 NMSA 1953 (being Laws 1969, Chapter
4 180, Section 19, as amended) is repealed and a new Section 77-6-19
5 NMSA 1953 is enacted to read:

6 "77-6-19. STATE EQUALIZATION GUARANTEE DISTRIBUTION--DEFINI-
7 TIONS--DETERMINATION OF AMOUNT.--

8 A. The state equalization guarantee distribution is that
9 amount of money distributed to each school district to insure that
10 the school district's operating revenue, including its local and fed-
11 eral revenues as defined in this section, is at least equal to the
12 school district's program cost.

13 B. "Local revenue" as used in this section means ninety-
14 five percent of receipts to the school district estimated at the time
15 of the school budget hearing to be derived from the following:

16 (1) that amount which would be produced by a school
17 district property tax at the rate of eight dollars ninety-two and one-
18 half cents (\$8.925) per one thousand dollars (\$1,000) of net taxable
19 value of property allocated to the school district; and

20 (2) the school district's share of motor vehicle fees
21 distributed in accordance with Section 77-6-35 NMSA 1953.

22 C. "Federal revenue" as used in this section means ninety-
3 five percent of receipts to the school district estimated at the time
4 of the school budget hearing to be derived from the following:

5 (1) the school district's share of forest reserve

1 funds distributed in accordance with Section 77-6-35 NMSA 1953;

2 (2) grants from the federal government as assistance
3 to those areas affected by federal activity authorized in accordance
4 with Sections 236 through 240 of Title 20 of the United States Code
5 (commonly known as "PL 874 funds"); and

6 (3) grants from the federal government to public sec-
7 ondary schools authorized by the United States Vocational Education
8 Act of 1963, as amended (20 U.S.C. 1241 - 1391).

9 D. To determine the amount of the state equalization guar-
10 antee distribution the chief shall:

11 (1) calculate the number of program units to which
12 each school district is entitled using membership and other required
13 reports for the first forty days of the school year and for the first
14 eighty days of the school year;

15 (2) using the higher number of the result of the cal-
16 culation in Paragraph (1) of this subsection, establish and total
17 program cost of the school district;

18 (3) calculate the local and federal revenues as de-
19 fined in this section; and

20 (4) deduct the sum of the calculations made in Para-
21 graph (3) of this subsection from the program cost established in
22 Paragraph (2) of this subsection.

23 E. The amount of the state equalization guarantee distri-
24 bution to which a school district is entitled is the balance remain-
25 ing after the deduction made in Paragraph (4) of Subsection D of this

section.

F. Notwithstanding the methods of calculating the state

equalization guarantee distribution in Sections 16 and 22 of this act, if a school district receives funds, under Section 2391 of title 42 U.S.C.A., and if the federal government takes into consideration grants authorized by Sections 236 through 240 of the United States Code and all other revenues available to the school district in determining the level of federal support for the school district, the amount of the state equalization guarantee distribution for the sixty-third fiscal year shall be the same as the amount of state revenues except for transportation and textbook revenues provided in the sixty-second fiscal year multiplied by the save harmless percentage of Subsection F of Section 22 of this act, and further multiplied by the ratio of the full-time equivalent ADM for the sixty-third fiscal year to the full-time equivalent ADM for the sixty-second fiscal year. For the sixty-fourth and succeeding fiscal years, the state equalization guarantee distribution for school districts receiving funds under this subsection shall be computed as follows:

fiscal year program cost for the year for which the state equalization guarantee distribution is being computed	prior fiscal year state equalization =
prior fiscal year program cost	guarantee distribution

fiscal year state equalization guarantee distribution for the year for which the state equalization guarantee distribution is being computed."

Section 17. Section 77-6-29 NMSA 1953 (being Laws 1971, Chapter 263, Section 12) is repealed and a new Section 77-6-29 NMSA 1953 is enacted to read:

1 "77-6-29. SUPPLEMENTAL DISTRIBUTIONS.--

2 A. The chief shall make supplemental distributions only for
3 the following purposes:

4 (1) to pay the out-of-state tuition of students subject
5 to the Compulsory School Attendance Law who are attending school out-
6 of-state because school facilities are not reasonably available in the
7 school district of their residence;

8 (2) to make emergency distributions to school dis-
9 tricts in financial need, but no money shall be distributed to any
10 school district having cash and invested reserves, or other resources
11 or any combination thereof, equaling five percent or more of the
12 school district's operational budget;

13 (3) with the approval of the state superintendent, to
14 make program enrichment distributions in the amount of actual program
15 expense to school districts for the purpose of providing specific
16 programs to meet particular educational requirements that cannot oth-
17 erwise be financed; and

18 (4) with the approval of the state superintendent, a
19 special vocational education distribution to area vocational schools
20 or state supported schools with state-board approved vocational pro-
21 grams to reimburse those schools for the cost of vocational education
22 programs for those students subject to the Compulsory School Atten-
23 dance Law who are enrolled in such programs.

24 B. The state superintendent and chief shall account for all
25 supplemental distributions and shall make full reports to the governor,

1 legislative school study committee and legislative finance committee
2 of payments made as authorized in Subsection A of this section.

3 C. The chief may divert any unused or unneeded balances in
4 any of the distributions made under the chief's supplementary distri-
5 bution authority to make any other distribution made pursuant to the
6 same authority."

7 Section 18. Section 77-6-30 NMSA 1953 (being Laws 1967, Chapter
8 16, Section 84, as amended) is amended to read:

9 "77-6-30. STATE-SUPPORT RESERVE FUND.--

10 A. The "state-support reserve fund" is created.

11 B. The state-support reserve fund shall be used only to
12 augment the appropriations for the state equalization guarantee dis-
13 tribution in order to insure, to the extent of the amount undistrib-
14 uted in the fund, that the maximum figures for such distribution
15 established by law shall not be reduced.

16 C. The undistributed money in the state-support reserve
17 fund shall be invested by the state treasurer in interest-bearing se-
18 curities of the United States government or in certificates of depos-
19 it in qualified banks, and in savings and loan associations whose de-
20 posits are insured with an agency of the United States. The state
21 treasurer may deposit money from the state-support reserve fund or any
22 other fund in one or more accounts with any such savings and loan as-
23 sociation or associations, but the state treasurer, in any official
24 capacity, shall not deposit money from said fund or any other fund in
25 any one such association the aggregate of which would exceed the

1 amount of insurance for a single depositor in an individual capacity
2 Income from these investments shall be periodically credited to the
3 general fund.

4 D. At least forty-five days before the money is needed,
5 the chief shall notify the state treasurer in writing of the amount
6 that will be needed for distribution.

7 E. It is the intent of the legislature that the fund be
8 reimbursed in the amount of the yearly distribution by appropriation
9 in the year following the distribution so that the fund at the begin-
10 ning of each fiscal year shall have a credit balance of at least five
11 million dollars (\$5,000,000).

12 F. Distribution from this fund shall be made in the same
13 manner and on the same basis as the state equalization guarantee
14 distribution."

15 Section 19. Section 77-6-36 NMSA 1953 (being Laws 1967, Chapter
16 16, Section 90) is amended to read:

17 "77-6-36. FEDERAL MINERAL LEASING FUNDS.--Except for an annual
18 appropriation to the free textbook fund and to the bureau of mines
19 and mineral resources of the New Mexico institute of mining and tech-
20 nology, all other money received by the state pursuant to the provi-
21 sions of the Act of Congress approved February 25, 1920 entitled "An
22 Act to Promote the Mining of Coal, Phosphate, Oil, Oil Shale, Gas and
23 Sodium on the Public Domain" as amended and compiled in 30 United
24 States Code, Sections 181 through 214, is appropriated for the use and
25 benefit of the public schools of this state for instructional pur-

1 poses. The state treasurer shall credit all money received under
2 this federal act, less the appropriations to the free textbook fund
3 and to the bureau of mines and mineral resources, to the public
4 school fund."

5 Section 20. Section 77-11-2 NMSA 1953 (being Laws 1973,
6 Chapter 357, Section 1) is amended to read:

7 "77-11-2. EARLY CHILDHOOD EDUCATION PROGRAMS REQUIRED.--

8 A. In accordance with state board regulations, every local
9 school board shall establish and conduct early childhood education
10 programs, and may provide transportation for students attending these
11 programs.

12 B. The state board shall adopt and promulgate regulations
13 providing for:

14 (1) minimum standards for the conduct of early child-
15 hood education programs;

16 (2) a progressive phasing-in of these programs such
17 that, not later than September 1, 1977, a program shall be available
18 to every child who has attained his fifth birthday prior to September
19 1 of the school year and whose parents or legal guardian request his
20 enrollment; provisions for phasing-in of programs prior to January 1,
21 1977, may specify standards for eligibility for enrollment; and

22 (3) qualifications of any person teaching in these
23 programs.

24 C. The cost of operating early childhood education prog-
25 rams shall be included in the budget prepared for the school district.

1 D. As used in this section, "early childhood education
2 programs" means pre-elementary programs established by a local scho
3 board for the development or enrichment of persons within the schoo
4 district who have not attained the age at which they are subject to
5 the provisions of the Compulsory School Attendance Law."

6 Section 21. Section 77-11-3.3 NMSA 1953 (being Laws 1972, Chap
7 ter 95, Section 4) is amended to read:

8 "77-11-3.3. SPECIAL EDUCATION--PRIVATE.--

9 A. The responsibility of school districts, institutions
10 and the state, to provide a free public education for exceptional
11 children is not diminished by the availability of private schools and
12 services. Whenever such schools or services are utilized, it contin
13 ues to be a state responsibility to assure that all exceptional
14 children receive the education to which the laws of the state entitle
15 them.

16 B. A local school board may make an agreement with non-
17 sectarian, nonprofit educational training centers for educating ex-
18 ceptional children and for providing for payment for such education.
19 Payment for education and services under such agreements shall be
20 made by the local board of education from funds available.

21 C. All agreements between local school boards and nonsec-
22 tarian, nonprofit educational training centers must be approved by
23 the state superintendent. All agreements must provide for diagnosis
24 and an educational program for each child which meets state standards
25 for such programs. The agreements must also acknowledge the author-

1 ity and responsibility of the local board and the department of ed-
2 ucation to conduct on-site evaluations of programs and pupil progress
3 to insure meeting state standards.

4 D. Exceptional children attending a nonsectarian, non-
5 profit training center shall be counted in the special education mem-
6 bership of the school district as enrolled in the Class D special
7 education program."

8 Section 22. TEMPORARY PROVISION--SAVE HARMLESS DISTRIBUTION.--

9 A. The save harmless distribution is the sum appropriated
10 by the legislature in amounts necessary to save harmless any school
11 district from a decrease in available funds computed on a per average
12 daily membership basis between the amount available to a district
13 during the sixty-second fiscal year and the sixty-third fiscal year.

14 B. For the save harmless distribution the chief shall com-
15 pute the sum of revenues received during the sixty-second fiscal year
16 from the production of the district school tax based upon 2,225
17 mills, the county school tax of 6.7 mills allocated on the ADM per-
18 centage basis, the motor vehicle license fees allocated on the ADM
19 percentage basis, P.L. 874, forest reserve and federal vocational al-
20 locations in addition to state distributions for basic program sup-
21 port, and all supplemental distributions excluding out-of-state,
22 emergency and program enrichment.

23 C. The chief shall take credit for ninety-five percent of
24 the local and federal sources and one hundred percent of the state
25 distributions designated. The result of the computations will be

1 divided by each school district's forty-day certified ADM exclusive
2 of special and early childhood education for the sixty-second fiscal
3 year to determine the per ADM revenue available from these sources.

4 D. The per ADM revenue available will be compared to the
5 sixty-third fiscal year's applicable estimated revenue per ADM using
6 the estimated ADM exclusive of special and early childhood education,
7 computed in accordance with the Public School Finance Act to deter-
8 mine the difference between the sixty-second and sixty-third fiscal
9 year's revenue available per ADM.

10 E. If the sixty-third fiscal year's revenue per ADM is
11 less than the sixty-second, an amount equal to the difference on a
12 per ADM basis will be multiplied by the estimated ADM for the sixty-
13 third fiscal year to determine the tentative save harmless allocation
14 for budget purposes.

15 F. After receipt of the actual ADM for the sixty-third
16 fiscal year, the chief shall re-calculate the save harmless and ad-
17 just the save harmless distribution to insure that the correct reve-
18 nue per ADM available is no less than one hundred percent of the
19 appropriate prior year's revenue available per ADM.

20 G. The save harmless assistance shall continue to be re-
21 duced each year in the same manner so that no save harmless will be
22 allowed under this section for the sixty-ninth fiscal year.

23 Section 23. REPEAL.--Sections 77-6-19.1 through 77-6-19.4 and
24 77-23-7 NMSA 1953 (being Laws 1969, Chapter 180, Section 20, Laws
25 1972, Chapter 87, Section 3, Laws 1971, Chapter 263, Section 11, Law

1 1972, Chapter 87, Section 5, and Laws 1973, Chapter 285, Section 7,
2 as amended) are repealed.

3 Section 24. SEVERABILITY.—If any part or application of this
4 act is held invalid, the remainder, or its application to other sit-
5 uations or persons, shall not be affected.

6 Section 25. EFFECTIVE DATE.—The effective date of the provi-
7 sions of this act is July 1, 1974.
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The Legislature of the State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 10

HOUSE BILL NO. 78, AS AMENDED

Introduced by

REPRESENTATIVES EDWARD J. LOPEZ, JAMES H. KOCH,
DON L. KING, ELOY P. QUINTANA, RICHARD A. CARBAJAL
AND RAYMOND G. SANCHEZ



Chapter 10

AN ACT

MAKING AN APPROPRIATION TO PROVIDE FUNDS TO INCREASE SALARIES OF CERTAIN LOWER-PAID STATE EMPLOYEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. APPROPRIATION.--There is appropriated to the department of finance and administration from the state general fund the sum of three hundred ninety-two thousand dollars (\$392,000) for use during the sixty-third fiscal year. The appropriation shall be used only for the purpose of funding the portion of salary increases and increased personnel benefit costs which may be legally paid from the state general fund to increase the salaries of positions in the lower salary levels of the classified service. Within the limits of this appropriation, the department of finance and administration shall transfer to general fund agency accounts, sufficient funds to implement an increase of the minimum salary to four hundred dollars (\$400) a month. Any unexpended portion of the appropriation remaining at the end of the sixty-third fiscal year shall revert to the general fund.

Section 2. MINIMUM SALARY RATE.--Every state employee and every person regularly employed at a state educational institution named in Article 12, Section 11 of the New Mexico constitution, except student employees as defined by the board of educational finance, shall receive a salary at a rate equal to at least four hundred dollars (\$400) per month.

House Bill 78

Approved February 19, 1974

1 Section 3. EFFECTIVE DATE.--The effective date of the provi-
2 sions of this act is July 1, 1974. _____
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The Legislature of the State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 16

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 25

Introduced by



Chapter 16
AN ACT

RELATING TO EDUCATION; AMENDING SECTIONS 77-2-2 AND 77-18-3 NMSA 1953 (BEING LAWS 1967, CHAPTER 16, SECTION 5 AND LAWS 1967, CHAPTER 16, SECTION 272, AS AMENDED).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 77-2-2 NMSA 1953 (being Laws 1967, Chapter 16, Section 5, as amended) is amended to read:

"77-2-2. STATE BOARD--DUTIES.--Without limiting those powers granted to the state board pursuant to Section 77-2-1 NMSA 1953, the state board shall perform the following duties:

A. properly and uniformly enforce the provisions of the Public School Code;

B. determine policy for the operation of all public schools and vocational education programs in the state;

C. appoint a superintendent of public instruction;

D. purchase and loan instructional material to students pursuant to the Instructional Material Law;

E. designate courses of instruction to be taught in all schools in the state to which instructional material is distributed pursuant to the Instructional Material Law;

F. adopt standards for the operation of business colleges, commercial departments of public schools, and for private schools and issue certificates of recognition to those colleges or schools meeting these standards;

HEC S/HB 25

Approved February 20, 1974

1 G. prescribe courses of instruction in industrial and
2 vocational education, including courses in domestic science, manual
3 training and agriculture;

4 H. determine the qualifications for and issue a certificate
5 to any person teaching, assisting teachers, supervising an instruction-
6 al program, counseling, providing special instructional services or
7 administering in public schools according to law and according to a
8 system of classification adopted and published by the state board;

9 I. suspend or revoke a certificate held by a certified
10 school instructor or administrator according to law for incompetency,
11 immorality or for any other good and just cause;

12 J. make full and complete reports in consolidation of
13 school districts to the legislature;

14 K. prescribe courses of instruction, requirements for
15 graduation and standards for all schools subject to its jurisdiction;

16 L. adopt regulations for the administration of all public
17 schools and bylaws for its own administration;

18 M. require periodic reports on forms prescribed by it
19 from all schools and their officials coming within the provisions of
20 the Public School Code;

21 N. authorize adult educational programs to be conducted
22 in schools under its jurisdiction and promulgate and publish regula-
23 tions governing all such adult educational programs;

24 O. require all accrediting agencies for schools in
25 the state to act with its approval;

1 P. accept and receive all grants of money from the feder-
2 al government or any other agency for public school purposes and dis-
3 burse the money in the manner and for the purpose specified in the
4 grant;

5 Q. require prior approval for any educational program
6 in a public school which is to be conducted, sponsored, carried on or
7 caused to be carried on by a private organization or agency;

8 R. approve all rules or regulations promulgated by
9 any association or organization attempting to regulate any public
10 school activity and invalidate any rule or regulation in conflict
11 with any regulation promulgated by the state board. The state
12 board shall have no power or control over the rules or regulations
13 or the bylaws governing the administration of the internal organiza-
14 tion of the association or organization;

15 S. review decisions made by the governing board or
16 officials of any organization or association regulating any public
17 school activity and any decision of the state board shall be final
18 in respect thereto;

19 T. accept or reject any charitable gift, grant, devise or
20 bequest. The particular gift, grant, devise or bequest accepted
21 shall be considered an asset of the state;

22 U. establish and maintain regional centers, at its
23 discretion, for conducting cooperative services between public
24 schools and school districts within and among such regions and to
25 facilitate regulation and evaluation of school programs;

1 V. assess and evaluate for accreditation purposes
2 at least one-third of all public schools each year through visits by
3 department personnel to investigate the adequacy of pupil gain in
4 standard, required subject matter, adequacy of pupil activities,
5 functional feasibility of public school and school district organi-
6 zation, adequacy of staff preparation and other matters bearing
7 upon the education of qualified students;

8 W. provide for management and other necessary personnel
9 to operate any public school or school district which has failed to
10 meet requirements of law, state board standards or state board regula-
11 tions; provided, that such operation of the public school or district
12 shall not include any consolidation or reorganization without the
13 approval of the local board of such district. Until such time as
14 requirements of law, standards or regulations have been met and
15 compliance is assured, the powers and duties of the local school
16 board shall be suspended; and

17 X. require a report from each school district by
18 August 1 of each year which indicates by fact what effect the
19 current distribution formula and other financial arrangements have
20 had on educational program operations and student progress during
21 the prior year, and what changes, if any, are needed. The state
22 board shall evaluate each report, consolidate findings and present
23 a state report with recommendations to the ensuing legislative
24 session."

25 Section 2. Section 77-18-3 NMSA 1953 (being Laws 1967, Chapter

1 16. Section 272) is amended to read:

2 "77-18-3. SCHOOL CONSTRUCTION--APPROVAL OF STATE BOARD.--

3 A. Each local school board shall secure approval of the
4 state board for plans and specifications for the expending of
5 twenty-five thousand dollars (\$25,000) or more on erecting, remodeling,
6 or making additions to any public school building or structure. The
7 state board shall only approve factors relating to educational aspects
8 of the construction.

9 B. Any contract to expend money pursuant to plans and
10 specifications not approved as provided by this section is void
11 and constitutes no charge in law or equity against the local school
12 board or the school district."

The Legislature of the State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 20

HOUSE BILL NO. 59, AS AMENDED

Introduced by

REPRESENTATIVE ABEL E. McBRIDE, C. GENE SAMBERSON,
ROBERT M. MORAN, MURRAY RYAN, DANIEL LYON,
JERRY W. SANDEL, LENTON MALLORY, GEORGE PENNINGTON,
H. B. BARNARD AND DONALD W. THOMPSON



Chapter 20

AN ACT

RELATING TO EDUCATIONAL FINANCE; AMENDING SECTION 73-33-14.2 NMSA 1953 (BEING LAWS 1968, CHAPTER 70, SECTION 2).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 73-33-14.2 NMSA 1953 (being Laws 1968, Chapter 70, Section 2) is amended to read:

"73-33-14.2. ENROLLMENT DEFINED--PAYMENTS.--

A. As used in this act, "full-time equivalent student" means:

(1) either one full-time student (a student enrolled for one or several terms which in the aggregate consist of thirty-two weeks, and who is taking twenty-three or more contact hours per week for the term or terms for which he is enrolled); or

(2) a computed student symbolized by each whole unit of a figure arrived at by dividing the aggregate number of contact hours taken by all students taking less than twenty-three contact hours a week during a term or terms which total thirty-two weeks, by the number twenty-three.

B. For the purpose of computing the number of full-time equivalent students for the technical and vocational payment, the following formulae shall be used:

(1) for full-time equivalent students based on full-time students the formula is:

House Bill 59
Approved February 20, 1974

1	Full-time equiv-	-	Number of full-	X	Number of weeks of term
2	alent student		time students		<u>for which enrolled</u>
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(2) for full-time equivalent students based on part-time students the formula is:

5	Full-time equiv-	-	Total weekly	X	Number of weeks of term
6	alent students		<u>contact hours</u>		<u>for which enrolled</u>
					736

C. For the purpose of calculating the junior college payment, full-time equivalent student for those students enrolled in non-college credit technical and vocational courses shall be defined as and shall be computed on the same bases set out in Subsections A and B of this section for full-time equivalent students under the technical and vocational payment. For those students in junior colleges taking college level courses, full-time equivalent students shall be defined and computed by the board of educational finance, in the same manner in which it defines and computes full-time equivalent students for all other college-level programs within its jurisdiction.

D. No student shall be included in any calculations made under the provisions of this section if he is enrolled in a course, the cost of which is totally reimbursed from federal, state or private sources, or if he is counted in the average daily membership of a public school district for the same time period.

E. An amount not less than three hundred twenty-five dollars (\$325) for each full-time equivalent student shall be distributed by the board of educational finance to each junior college. For the first year of operation, the board of regents shall estimate the full-

1 time equivalent student population; thereafter, the previous year's
2 full-time equivalent student population shall be used.

3 F. The board of educational finance shall require from the
4 junior college such reports as it may deem necessary for the purpose
5 of determining the number of full-time equivalent students at the
6 junior college eligible to receive support under this section.

7 G. The board of educational finance may recommend tuition
8 and fee rates, and in fixing tuition and fee rates the junior college
9 board shall separately establish:

10 (1) rates for New Mexico students residing in the
11 junior college district;

12 (2) rates for New Mexico students not residing in the
13 junior college district; and

14 (3) rates for out-of-state students. _____
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The Legislature of the State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 26

SENATE BILL 14

Introduced by

SENATOR I. M. SMALLEY



CHAPTER 26

AN ACT

RELATING TO PUBLIC OFFICERS AND EMPLOYEES; INCREASING PER DIEM RATE
FOR OUT-OF-STATE TRAVEL; INCREASING MILEAGE RATE; ELIMINATING REQUIRE-
MENT THAT GOVERNMENT CONVEYANCE BE USED WHEN AVAILABLE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 5-10-3 NMSA 1953 (being Laws 1963, Chapter
31, Section 3, as amended) is amended to read:

"5-10-3. PER DIEM AND MILEAGE RATES--IN LIEU PAYMENT.--

A. Every non-salaried public officer shall receive twenty
dollars (\$20.00) as per diem expense for each day spent in the dis-
charge of official duties within the state, notwithstanding any
specific law to the contrary, and shall receive no other compensation,
perquisite or allowance.

B. Every salaried public officer or employee who is travel-
ing within the state but away from his home and away from his desig-
nated post of duty on official business shall receive not to exceed
twenty dollars (\$20.00) a day for each day spent in the discharge of
his official duties.

C. Every public officer or employee shall receive not to
exceed thirty-six dollars (\$36.00) a day for each day of travel outside
the state on official business.

D. Every public officer or employee shall receive twelve
cents (\$.12) a mile for each mile traveled in a privately-owned
vehicle, or fifteen cents (\$.15) a mile for each mile traveled in a

Senate Bill 14

Approved February 20, 1974

1 privately-owned airplane if the travel is necessary to the discharge
2 of his official duties, and if the private conveyance is not a common
3 carrier. Provided, however, that only one person shall receive mileage
4 for each mile traveled in a single privately-owned vehicle or airplane,
5 except in the case of common carriers, in which case the person shall
6 receive the cost of the ticket in lieu of the mileage allowance.

7 E. The per diem and mileage, or per diem and cost of tick-
8 ets for common carriers, paid to salaried public officers or employees
9 is in lieu of actual expenses for transportation, lodging and subsis-
10 tence."

The Legislature
of the
State of New Mexico

31st Legislature, 2nd Session

LAWS _____

CHAPTER 33 _____

SENATE EDUCATION COMMITTEE SUBSTITUTE

FOR SENATE BILL 16, with emergency clause

Introduced by



Chapter 33

AN ACT

1
2 PROVIDING FOR THE CONTINUATION OF THE UNIVERSITY STUDY COMMITTEE;
3 MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

4
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

6 Section 1. COMMITTEE CONTINUED.--The university study committee,
7 created by Laws 1970, Chapter 88, is continued and will serve with the
8 same function and powers until the end of the sixty-third fiscal year.

9 Section 2. APPROPRIATION.--For the purpose of paying salaries
10 and expenses of technical, legal and clerical assistants and per diem
11 and mileage of the committee, appointed by the legislative council
12 pursuant to Laws 1970, Chapter 88, there is appropriated the sum of
13 fifty thousand dollars (\$50,000), all or any part of which is available
14 during the sixty-third fiscal year. Any funds not used shall revert to
15 the general fund at the end of the sixty-third fiscal year. Payments
16 from this appropriation shall be made upon vouchers signed by the
17 director of the legislative council service or his authorized repre-
18 sentative.

19 Section 3. EMERGENCY.--It is necessary for the public peace,
20 health and safety that this act take effect immediately.

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SECS/SB 16

Approved February 20, 1974

The Legislature of the State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 36

SENATE BILL 38

Introduced by

SENATOR ODIS L. ECHOLS, JR.
SENATOR JERRY APODACA
SENATOR TIBO J. CHAVEZ
SENATOR JOHN B. IRICK
SENATOR CONSUELO (CONNIE) J. KITZLER
SENATOR FRANK O. PAPER
SENATOR BOB E. WOOD



Chapter 36
AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR THE PURPOSE
OF FUNDING THE DEVELOPMENT TRAINING ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. APPROPRIATION.--Three hundred thousand dollars
(\$300,000) is appropriated from the general fund to the department of
education for expenditure in the sixty-third fiscal year for the pur-
pose of carrying out the provisions of the Development Training Act.
Any funds not encumbered or expended at the close of the sixty-third
fiscal year shall carry over to the following year.=====

Senate Bill 38
Approved February 20, 1974

The Legislature of the State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 38

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR

SENATE BILL 42, as amended, with emergency clause

Introduced by



Chapter 38

AN ACT

RELATING TO SCHOOL BUSES; PROVIDING FOR THE USE OF SCHOOL BUSES FOR
GENERAL PUBLIC TRANSPORTATION; AMENDING SECTION 64-27-25 NMSA 1953
(BEING LAWS 1933, CHAPTER 154, SECTION 25, AS AMENDED); DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--Sections 1 through 4 of this act may be
cited as the "Emergency Transportation Act".

Section 2. CORPORATION COMMISSION PERMITS.--

A. Subject to the Emergency Transportation Act, the state
corporation commission may approve a permit application of a school
district operating its own school buses or of an independent school
bus operator who operates school buses under contract with a school
district, for the operation of such buses for general public trans-
portation if the commission determines that:

(1) the school district operating its own school
buses or the independent school bus operator has complied with laws,
regulations and other requirements governing transportation of the
general public;

(2) existing public or private transportation systems
will not be adversely affected by the use of school buses for general
public transportation; and

(3) a public transportation emergency exists within the
proposed area of operation necessitating the use of school buses for

SECS/SB 42

Approved February 20, 1974

1 general public transportation.

2 8. Notice of approval or denial of the permit application
3 shall be submitted to the state transportation director of the state
4 transportation division of the department of education and to the
5 applicant within ten days of final determination by the commission.

6 Section 3. STATE TRANSPORTATION DIRECTOR--APPROVAL.--

7 A. Upon the receipt of approval of the permit application
8 from the state corporation commission, the state transportation di-
9 rector may grant a permit to operate school buses for general public
10 transportation to / school district that operates its own school
11 buses or to the independent school bus operator who operates school
12 buses under contract with a school district, if he determines:

13 (1) that school bus service to students will not be
14 adversely affected by issuing the permit;

15 (2) that the operation of such buses for general
16 public transportation service by the district or the independent
17 operator will not provide unnecessary duplication of a general public
18 transportation service by school buses of another school district or
19 independent school bus operator contracting with another district; and

20 (3) that there has been compliance with the rules and
21 regulations of the state transportation director issued pursuant to
22 the Emergency Transportation Act.

23 B. The state transportation director, subject to the approval
24 of the state superintendent of public instruction, shall by regulation
25 provide for application fees, forms and permit procedures pursuant to

1 the Emergency Transportation Act.

2 C. A permit issued under this section shall be valid for
3 one year and shall be annually renewed upon payment of a reasonable
4 application fee to the state transportation division and certification
5 by the state corporation commission of the permittee's compliance with
6 all applicable laws. Notice of renewal of the permit shall be deliv-
7 ered by the state transportation division to the state corporation
8 commission and the local school board concerned.

9 Section 4. TERMINATION OF PERMIT.--A permit issued pursuant to
10 the Emergency Transportation Act shall be terminated by the state
11 transportation director upon thirty days' written notice to the holder
12 of the permit, if the state transportation director receives written
13 notice from:

14 A. the state corporation commission that it has determined
15 that a public transportation emergency in the area in which the per-
16 mittee provides general public transportation no longer exists, or
17 that public or private transportation systems are being adversely
18 affected in such area; or

19 B. the local school board that such board has determined
20 that school bus service to students is being adversely affected by
21 providing general public transportation under the permit.

22 Section 5. Section 64-27-25 NMSA 1953 (being Laws 1933, Chapter
23 154, Section 25, as amended) is amended to read:

24 "64-27-25. EXEMPTIONS.--Neither this act nor any provisions
25 hereof shall apply or be construed to apply to any of the following:

1 A. motor vehicles used exclusively to convey children to
2 and from schools, or the use of such vehicles under a permit pursuant
3 to the Emergency Transportation Act, provided that such vehicles shall,
4 notwithstanding the provisions of this section, be subject to all of
5 the safety provisions of this act or that may be prescribed by the
6 commission under the terms of this act;

7 B. to United States mail carriers operating star routes,
8 when not engaged in other business as common carrier, or contract
9 carrier of property or passengers;

10 C. ambulances, hearses, funeral coaches, or any other
11 motor vehicle, belonging to, or operated by, any funeral director
12 or assistant funeral director licensed pursuant to the provisions of
13 Laws 1947, Chapter 71, in connection with his business; or

14 D. any municipal bus system."

15 Section 6. EMERGENCY.--It is necessary for the public peace,
16 health and safety that this act take effect immediately. _____
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The Legislature
of the
State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 42

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR

SENATE BILL 72

with Emergency Clause

Introduced by



Chapter 42

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION
FOR ACTIONS NECESSARY TO SUPPORT OR DEFEND THE STATE EQUALIZED PUBLIC
SCHOOL FINANCE PROGRAM; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. APPROPRIATION.--The sum of twenty-five thousand dollars (\$25,000) is appropriated to the department of finance and administration for the sixty-second, sixty-third and sixty-fourth fiscal years for necessary actions in support of or in defense of the state equalized public school finance program. Any balance remaining from this appropriation at the end of the sixty-fourth fiscal year shall revert to the general fund.

Section 2. REPORT.--The department of finance and administration shall from time to time submit reports to the state department of education and the legislative school study committee setting forth actions taken in support of or in defense of the state equalized public school finance program and all expenditures incurred therein.

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.=====

SECS/SB 72

Approved February 20, 1974

The Legislature of the State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 51

HOUSE BILL NO. 6Q

Introduced by

REPRESENTATIVES ABEL E. McBRIDE, C. GENE SAMBERSON,
ROBERT M. MORAN, MURRAY RYAN, LENTON MALRY,
H. B. BARNARD, DANIEL LYON, JERRY W. SANDEL,
GEORGE PENNINGTON AND DONALD L. THOMPSON.



Chapter 51

AN ACT

RELATING TO TECHNICAL AND VOCATIONAL INSTITUTES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 73-34-7.1 NMSA 1953 (being Laws 1968,

Chapter 59, Section 1) is amended to read:

"73-34-7.1. PURPOSE OF ACT.--Whereas the state recognizes the value of public school vocational education, and the state supports vocational and technical curricula of not more than two years' duration designed to fit individuals for employment by an appropriation not less than three hundred twenty-five dollars (\$325) for each full-time equivalent student, provided such students are enrolled in a branch community college recognized by the state board of vocational education as an area vocational school; it is the purpose of this act to extend state support to public school vocational and technical education programs of not more than two years' duration designed to fit individuals for employment, provided such individuals are students enrolled in a technical and vocational institute, organized pursuant to the Technical and Vocational Institute Act."

Section 2. Section 73-34-7.3 NMSA 1953 (being Laws 1968, Chapter 59, Section 3) is amended to read:

"73-34-7.3. APPROPRIATION--DISTRIBUTION.--

A. The chief of public school finance shall recommend an appropriation for each technical and vocational institute based upon its financial requirements in relation to its authorized program and

House Bill 60

Approved February 21, 1974

1 its available funds from non-general fund sources; provided, such rec-
2 ommended appropriation shall be an amount not less than three hundred
3 twenty-five dollars (\$325) for each full-time equivalent student.

4 B. The chief of public school finance shall require from
5 the technical and vocational institutes such reports as he may deem
6 necessary for the purpose of determining the number of full-time
7 equivalent students for which any technical and vocational institute
8 may be eligible to receive support under this act. The chief shall
9 make monthly distributions to eligible technical and vocational
10 institute districts which are based on his estimate of eligibility
11 until the closing of the last full quarter, trimester or semester
12 within the fiscal year. At this point in time, the chief shall
13 determine the full year's full-time equivalent student population
14 based upon the preceding twelve months of operation and shall prorate
15 the amount of entitlement then remaining unpaid for distribution
16 within the remaining months of the fiscal year."

The Legislature
of the
State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 67

HOUSE BILL NO. 23, AS AMENDED

Introduced by

REPRESENTATIVES FRANK BROWN AND
THOMAS P. FOY



Chapter 67

AN ACT

RELATING TO WORKMEN'S COMPENSATION; PROVIDING FOR EXTRA-TERRITORIAL
COVERAGE FOR WORKMEN'S COMPENSATION LAW; AMENDING SECTION 59-10-33.1
NMSA 1953 (BEING LAWS 1973, CHAPTER 227, SECTION 1).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 59-10-33.1 NMSA 1953 (being Laws 1973, Chapter 227, Section 1) is amended to read:

"59-10-33.1. EXTRA-TERRITORIAL COVERAGE.--

A. If an employee, while working outside the territorial limits of this state, suffers an injury on account of which he, or in the event of his death, his dependents, would have been entitled to the benefits provided by the Workmen's Compensation Act, had such injury occurred within this state, such employee, or in the event of his death resulting from such injury, his dependents, shall be entitled to the benefits provided by this act, provided that at the time of such injury:

(1) his employment is principally localized in this state;

(2) he is working under a contract of hire made in this state in employment not principally localized in any state;

(3) he is working under a contract of hire made in this state in employment principally localized in another state whose workmen's compensation law is not applicable to his employer; or

(4) he is working under a contract of hire made in

House Bill 23

Approved February 26, 1974

1 this state for employment outside the United States and Canada.

2 B. The payment or award of benefits under the workmen's
3 compensation law of another state, territory, province or foreign
4 nation to an employee or his dependents otherwise entitled on account
5 of such injury or death to the benefits of this act shall not be a bar
6 to a claim for benefits under this act; provided that claim under
7 this act is filed within one year after such injury or death. If
8 compensation is paid or awarded under this act:

9 (1) the medical and related benefits furnished or paid
10 for by the employer under such other workmen's compensation law on
11 account of such injury or death shall be credited against the medical
12 and related benefits to which the employee would have been entitled
13 under this act had claim been made solely under this act;

14 (2) the total amount of all income benefits paid or
15 awarded the employee under such other workmen's compensation law shall
16 be credited against the total amount of income benefits which would
17 have been due the employee under this act, had claim been made solely
18 under this act; and

19 (3) the total amount of death benefits paid or awarded
20 under such other workmen's compensation law shall be credited against
21 the total amount of death benefits due under this act.

22 C. If an employee is entitled to the benefits of this act
23 by reason of an injury sustained in this state in employment by an
24 employer who is domiciled in another state and who has not secured the
25 payment of compensation as required by this act, the employer or his

1 carrier may file with the labor commissioner a certificate, issued by
2 the commission or agency of such other state having jurisdiction over
3 workmen's compensation claims, certifying that such employer has ac-
4 curred the payment of compensation under the workmen's compensation law
5 of such other state and that with respect to said injury such employee
6 is entitled to the benefits provided under such law. In such event:

7 (1) the filing of such certificate shall constitute the
8 appointment by such employer or his carrier of the labor commissioner
9 as his agent for acceptance of the service of process in any proceed-
10 ing brought by such employee or his dependents to enforce his or their
11 rights under this act on account of such injury;

12 (2) the labor commissioner shall send to such employee
13 or carrier, by registered or certified mail, the address shown on such
14 certificate, a true copy of any notice of claim or other process serv-
15 ed on the labor commissioner by the employee or his dependent in any
16 proceeding brought to enforce his or their rights under this act;

17 (3) if such:

18 (a) employer is a qualified self-insurer under
19 the workmen's compensation law of such other state, such employer
20 shall, upon submission of evidence satisfactory to the labor commis-
21 sioner of his ability to meet his liability to such employee under
22 this act, be deemed to be a qualified self-insurer under this act; or

23 (b) employer's liability under the workmen's com-
24 pensation law of such other state is insured, such employer's carrier,
25 as to such employee or his dependents only, shall be deemed to be a

1 insurer authorized to write insurance under and be subject to this
2 act; provided, however, that unless its contract with said employer
3 requires it to pay an amount equivalent to the compensation benefits
4 provided by this act, its liability for income benefits or medical and
5 related benefits shall not exceed the amounts of such benefits for
6 which such insurer would have been liable under the workmen's compen-
7 sation law of such other state;

8 (4) if the total amount for which such employer's in-
9 surance is liable under Paragraph (3) of this subsection is less than
10 the total of the compensation benefits to which such employee is en-
11 titled under this act, the labor commissioner may, if he deems it
12 necessary, require the employer to file security, satisfactory to the
13 labor commissioner, to secure the payment of benefits due such employ-
14 ee or his dependents under this act; and

15 (5) upon compliance with the preceding requirements of
16 Subsection C of this section, such employer, as to such employee only,
17 shall be deemed to have secured the payment of compensation under this
18 act.

19 D. As used in this section:

20 (1) "United States" includes only the states of the
21 United States and the District of Columbia;

22 (2) "state" includes any state of the United States,
23 the District of Columbia, or any province of Canada;

24 (3) "carrier" includes any insurance company licensed
25 to write workmen's compensation insurance in any state of the United

1 States or any state or provincial fund which insures employers against
2 their liabilities under a workmen's compensation law;

3 (4) a person's employment is principally localized in
4 this or another state when:

5 (a) his employer has a place of business in this
6 or such other state and he regularly works at or from such place of
7 business; or

8 (b) if Subparagraph (a) of this paragraph is not
9 applicable, he is domiciled and spends a substantial part of his work-
10 ing time in the service of his employer in this or such other state;
11 and

12 (5) an employee whose duties require him to travel
13 regularly in the service of his employer in this and one or more other
14 states may, by written agreement with his employer, provide that his
15 employment is principally localized in this or another such state, and,
16 unless such other state refuses jurisdiction, such agreement shall be
17 given effect under this act."

The Legislature of the State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 73

HOUSE BILL NO. 66, AS AMENDED

Introduced by

REPRESENTATIVES DAN C. BERRY, JERRY W. SANDEL,
GEORGE PENNINGTON AND COLIN R. McMILLAN



Chapter 73
AN ACT

RELATING TO EDUCATION; AMENDING SECTIONS 77-6-22 AND 77-6-24 NMSA 1953 (BEING LAWS 1967, CHAPTER 16, SECTIONS 76 AND 78, AS AMENDED); ENACTING A NEW SECTION 77-14-2.1 NMSA 1953; PROVIDING FOR VOCATIONAL EDUCATION TRANSPORTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 77-6-22 NMSA 1953 (being Laws 1967, Chapter 16, Section 76, as amended) is amended to read:

"77-6-22. TRANSPORTATION DISTRIBUTIONS.--

A. Money in the regular and special transportation distribution of the equalization fund shall be used only for the purpose of making payments to each school district for the to-and-from school transportation costs of students attending public school within the school district.

B. Money in the vocational education transportation distribution of the equalization fund shall be used only for the purpose of making payments to school districts for transportation costs of students from their regular attendance center to the place where vocational education programs are being offered, pursuant to Section 77-14-2.1 NMSA 1953.

C. The transportation distributions shall be allocated to each school district according to an objective schedule developed by the state transportation director and approved by the state board.

D. In the event the sum of the proposed allocations

1 to each school district exceeds the amounts in the regular and special
2 or vocational education transportation distributions at the beginning
3 of the fiscal year, each school district to receive the particular
4 distribution shall share in a reduction in the proportion that each
5 school district's forty-day average daily membership bears to the
6 forty-day average daily membership of all school districts to receive
7 the particular distribution."

8 Section 2. Section 77-6-24 NMSA 1953 (being Laws 1967, Chapter
9 16, Section 78) is amended to read:

10 "77-6-24. TRANSPORTATION DISTRIBUTIONS--REPORTS--PAYMENTS.--

11 A. Prior to December 15 of each year, each local school
12 board of a school district maintaining a school bus route shall report
13 to the state transportation director, upon forms furnished by the
14 state transportation director, the following information concerning
15 the school year to and including November 30:

16 (1) the number and designation of school bus routes in
17 operation in the school district which have been approved by the state
18 transportation director;

19 (2) the number and capacity of all school buses in
20 operation in the school district and the school bus route served by
21 each school bus;

22 (3) the number of miles traveled by each school bus
23 on each school bus route, showing the route mileage in accordance with
24 the type of road surface traveled; and

25 (4) the number of students transported on each school

1 bus route.

2 B. Each local school board of a school district maintain-
3 ing a school bus route shall make further reports to the state trans-
4 portation director concerning the information required by this sec-
5 tion at other times specified by the state transportation director.

6 C. The state transportation director shall certify to the
7 chief the allocations from the transportation distributions to each
8 school district. The allocations for the first six months of a
9 school year shall be based upon the approved final budget of the
10 school district for the current fiscal year. Allocations to a school
11 district for the remainder of the school year shall adjust the amount
12 received by the school district so that it equals the amount the
13 school district is entitled to receive for the entire school year ac-
14 cording to its current approved report.

15 D. The chief shall make periodic installment payments to
16 school districts during the school year from the transportation dis-
17 tributions based upon the allocations certified to him by the state
18 transportation director."

19 Section 3. A new Section 77-14-2.1 NMSA 1953 is enacted to read:
20 "77-14-2.1. SCHOOL BUS ROUTES FROM PUBLIC SCHOOL TO VOCATIONAL
21 EDUCATION CENTER.--

22 A. Any local school board providing vocational education
23 programs through or in cooperation with any other school district or
24 state-supported institution may request the state transportation di-
25 rector to establish vocational education school bus routes. These

school bus routes shall be used to transport students from attendance centers within the school district to the place where vocational education programs are being offered.

3. School bus routes established or maintained for vocational education may be excluded from the provisions of Section 77-14-3 NMSA 1953 by the department of education.

C. The cost of such routes shall be paid from the vocational education transportation distribution, as provided in the Public School Finance Act."

Section 4. **EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 1974.

The Legislature of the State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 76

HOUSE BILL NO. 70,

WITH THE EMERGENCY CLAUSE

Introduced by

REPRESENTATIVES SAMUEL F. VIGIL, NICK L. SALAZAR,
BOBBY F. DURAN, ELOY P. QUINTANA, BEN ROYBAL,
LOUIS J. ROMERO, LENTON MALRY, ALVINO E. CASTILLO,
DAVID M. SALMAN AND ABEL McBRIDE



EMERGENCY CLAUSE

Chapter 76
AN ACT

RELATING TO THE LUNA AREA VOCATIONAL SCHOOL; MAKING AN APPROPRIATION;
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. APPROPRIATION.--There is appropriated from the state general fund to the state department of public education the sum of one hundred ninety-two thousand dollars (\$192,000) for the purpose of construction authorized in Laws 1971, Chapter 301, except no federal matching funds shall be required. This appropriation may be spent during the sixty-second and sixty-third fiscal years. Any balance remaining at the end of the sixty-third fiscal year shall revert to the general fund.

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Bill 70
Approved February 26, 1974

The Legislature
of the
State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 87

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR

SENATE BILLS 57 AND 37, as amended, with emergency clause

Introduced by



EMERGENCY CLAUSE

CHAPTER 87

AN ACT

RELATING TO EDUCATION; REVISING CERTAIN LAWS RELATING TO PUBLIC SCHOOL CAPITAL OUTLAY; AMENDING, REPEALING AND ENACTING CERTAIN SECTIONS OF THE NMSA 1953; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 77-24-4 NMSA 1953 (being Laws 1973, Chapter 290, Section 4) is amended to read:

"77-24-4. FUND CREATED--USE.--

A. There is created the "public school capital outlay fund". Balances remaining in the fund at the end of each fiscal year shall not revert.

B. Upon recommendation of the council and approval by the board, money in the fund may only be:

(1) used for the purpose of erecting, remodeling, making additions to and furnishing school buildings or purchasing or improving school grounds or any combination of these purposes in the order set by the capital outlay program report; or

(2) used to purchase property to be loaned to school districts to meet temporary capital outlay requirements.

C. Applications for assistance from the fund shall be made by local school districts or by the department of education on behalf of a local school district to the council, in accordance with requirements of the council.

D. The council shall review all requests for assistance

SECS/SB 57 & 37

Approved February 27, 1974

1 from the fund and may recommend to the board only projects which can-
2 not be financed by the school district from other sources and which
3 meet the criteria of the Public School Capital Outlay Act.

4 E. No application shall be recommended by the council or
5 approved by the board if this action has the effect of using funds
6 necessary for a project which does not have a numerical priority as
7 set by the council pursuant to Subsection C of Section 77-24-5 NMSA
8 1953, except projects funded, but insufficiently financed, under Laws
9 1973, Chapter 290 may be considered. No application shall be recom-
10 mended by the council or approved by the board if the school district
11 making the application, or for whom the application is made, has:

12 (1) a remaining bonding capacity of two hundred thou-
13 sand dollars (\$200,000) or more; or

14 (2) unbudgeted balances, other than the five percent
15 operational emergency account permitted by Subsection B of Section
16 77-6-45 NMSA 1953, which, according to the application, are not antici-
17 pated to be used in the project for which the application is made; ~~or~~

18 ~~(3) in its current operational budget expenditures of~~
19 ~~a nonrecurring nature, as allowed in Subsection C of Section 77-6-45~~
20 ~~NMSA 1953, for purposes other than the project for which the applica-~~
21 ~~tion is made.~~

B.K.

22 F. In determining whether or not to recommend an applica-
23 tion for assistance from the fund, the council shall consider:

24 (1) the effort of the residents of the district as ex-
25 pressed by the bonding capacity of the school district in relation to

1 actual use by the school district of its bonding capacity;

2 (2) the resources available to the school district to
3 meet its capital outlay requirements and the actual use by the school
4 district of those resources;

5 (3) whether or not the school district advantageously
6 and economically uses its lands and facilities;

7 (4) other priority needs for the fund; and

8 (5) when available, the recommendations made or priori-
9 ties set for expenditures from the fund, by the department of education
10 in its capital outlay program report.

11 G. The board shall consider all applications recommended by
12 the council for assistance from the fund and after a public hearing
13 shall either approve or deny the application.

14 H. Money in the fund shall be disbursed by warrant of
15 the department of finance and administration on vouchers signed by
16 the director of the department of finance and administration following
17 certification by the board that the project has been approved.

18 I. Property to be loaned to a school district shall be
19 purchased by the property control division of the department of
20 finance and administration. Expenses of maintenance of the property
21 while in the custody of the property control division shall be paid
22 from the fund."

23 Section 2. Section 77-24-5 NMSA 1953 (being Laws 1973, Chapter
24 290, Section 5) is amended to read:

25 "77-24-5. ADVISORY COUNCIL CREATED--ORGANIZATION--DUTIES.--

1 A. There is created the "public school capital outlay ad-
2 visory council", consisting of the:

3 (1) director of the department of finance and adminis-
4 tration, who shall be chairman;

5 (2) state superintendent of public instruction;

6 (3) chief of public school finance; and

7 (4) president of the New Mexico school boards asso-
8 ciation.

9 B. The council shall meet at least once each quarter to
10 investigate all applications for assistance from the fund and to make
11 recommendations to the board in accordance with the provisions of the
12 Public School Capital Outlay Act.

13 C. After reviewing the priority recommendations of the de-
14 partment of education made pursuant to Subsection A of Section 77-24-6
15 NMSA 1953, the council shall set numerical priorities for each capital
16 improvement project within the priority classifications as established
17 by the board pursuant to Subsection A of Section 77-24-6 NMSA 1953.
18 Only one project shall be assigned a given number within a single
19 priority classification."

20 Section 3. TAX REAPPRAISAL PROGRAM REQUIREMENT.--No part of the
21 fund shall go to any district, all or a part of which lies within a
22 county which has not implemented a reappraisal program certified by
23 the property appraisal department as complying with the provisions of
24 Section 72-2-21.9 NMSA 1953 and which has not maintained a reappraisal
25 program certified as adequate by the property appraisal department.

1 unless the reappraisal has been delayed and there is litigation pending
2 concerning compliance with a reappraisal contract, and the property
3 appraisal department so certifies.

4 Section 4. EMERGENCY CAPITAL OUTLAY FUND.--All funds which are
5 payable to the emergency capital outlay fund pursuant to Section
6 77-6-29.1 NMSA 1953 shall be credited to the public school capital
7 outlay fund and such funds shall be used for the purposes of the
8 Public School Capital Outlay Act.

9 Section 5. APPROPRIATION.--There is appropriated from the state
10 general fund to the public school capital outlay fund two million dol-
11 lars (\$2,000,000). The department of finance and administration shall
12 transfer twenty thousand dollars (\$20,000) from the public school
13 capital outlay fund to the department of education to maintain the
14 capital outlay program report and inventory required by the Public
15 School Capital Outlay Act.

16 Section 6. REPEAL.--Section 77-6-29.1 NMSA 1953 (being Laws 1951,
17 Chapter 320, Section 1, as amended) is repealed.

18 Section 7. EMERGENCY.--It is necessary for the public peace,
19 health and safety that this act take effect immediately. =====

The Legislature
of the
State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER 91

FIRST FLOOR OF CAPITOL FOR HOUSE PRIVILEGES AND ELECTIONS

COMMITTEE FOR TITLE FOR HOUSE BILL NO. 63, AS AMENDED,

WITH THE EMERGENCY CLAUSE

Introduced by



145

PROHIBITING SECRET MEETINGS OF PUBLIC BODIES; PROVIDING A PENALTY; REPEALING A CERTAIN SECTION OF THE NMSA 1953; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. FORMATION OF PUBLIC POLICY.--

A. The formation of public policy or the conduct of business by vote shall not be conducted in secret.

B. All meetings of a quorum of members of any board, commission or other policy-making body of any state agency, or any agency or authority of any county, municipality, district or any political subdivision held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such board, commission or other policy-making body, are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution or the provisions of this act.

C. Any such meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs, and at which a majority or quorum of the body is in attendance, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice shall be reasonable when applied to such body.

D. Such minutes as may reasonably be required by the board, commission or other policy-making body shall be recorded and be open

HFS/HPECS/HB 63

Approved February 28, 1974

1 to public inspection.

2 E. The provisions of this section shall not apply to ad-
3 judicatory or personnel matters nor to meetings pertaining to issuance,
4 suspension, renewal or revocation of a license, nor meetings of grand
5 juries. Nothing in this section shall be construed to deny or permit
6 an aggrieved person the right to demand a public hearing.

7 Section 2. STATE LEGISLATURE--MEETINGS.--

8 A. All meetings of a quorum of members of any committee or
9 policy-making body of the state legislature held for the purpose of
10 discussing public business or for the purpose of taking any action
11 within the authority of or the delegated authority of such committee
12 or body are declared to be public meetings open to the public at all
13 times.

14 B. The provisions of Subsection A of this section shall not
15 apply to matters relating to personnel, or matters adjudicatory in
16 nature, or any bill, resolution or other legislative matter not yet
17 presented to either house of the legislature or general appropriation
18 bills.

19 C. For the purposes of this section, "meeting" means a
20 gathering of the members called by the presiding officer of a stand-
21 ing committee.

22 Section 3. INVALID ACTIONS--STANDING.--

23 A. No resolution, rule, regulation, ordinance or action of
24 any board, commission, committee or other policy-making body shall be
25 valid unless taken or made at a meeting held in accordance with the

1 requirements of Section 1 of this act. Every resolution, rule, regu-
2 lation, ordinance or action of any board, commission, committee or
3 other policy-making body shall be presumed to have been taken or made
4 at a meeting held in accordance with the requirements of Section 1 of
5 this act.

6 B. The district courts of this state shall have jurisdic-
7 tion to issue injunctions for good cause shown to enforce the purposes
8 of this act upon the application of five or more citizens of this
9 state.

10 C. Sections 3 and 4 of this act shall not be construed to
11 preclude other remedies or rights not relating to the question of open
12 meetings.

13 D. The provisions of this act shall be enforced by the
14 attorney general, except as otherwise set forth herein.

15 Section 4. PENALTY.--Any person violating any of the provisions
16 of Section 1 or 2 of this act is guilty of a misdemeanor and upon con-
17 viction shall be punished by a fine of not more than one hundred dol-
18 lars (\$100) for each offense.

19 Section 5. REPEAL.--Section 5-6-17 MSA 1953 (being Laws 1950,
20 Chapter 120, Section 1) is repealed.

21 Section 6. SEVERABILITY.--If any provision of this act, or its
22 application to any person or circumstance is held invalid, the valid-
23 ity of the remainder of the act or its application to other situations
24 or persons shall not be affected.

25 Section 7. EMERGENCY.--It is necessary for the public peace,

1 health and safety that this act take effect immediately.=====

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The Legislature
of the
State of New Mexico

31st Legislature, 2nd Session

LAWS 1974

CHAPTER

HOUSE MEMORIAL NO. 12

Introduced by

REPRESENTATIVE ABEL E. McBRIDE



1 A MEMORIAL

2 REQUESTING THE STATE DEPARTMENT OF EDUCATION TO STUDY THE FEASIBILITY
3 OF INSTITUTING A PROGRAM FOR THE TRAINING OF PARENTS OF PRE-SCHOOL
4 CHILDREN IN ORDER TO PROVIDE THESE CHILDREN WITH A HOME ENVIRONMENT
5 CONDUCTIVE TO LEARNING.

6
7 WHEREAS, the home environment of school children has a direct re-
8 lationship to their achievement at school and may act as an important
9 auxiliary to the classroom in the education of children; and

10 WHEREAS, the choice of playthings, the availability of books and
11 other publications, the type of recreation permitted and the choice of
12 a vacation program all have a direct relationship to the education of
13 a child; and

14 WHEREAS, parental discipline and encouragement are important to
15 the development of good study habits, a desire to achieve and the sat-
16 isfaction in achievement;

17 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF
18 THE STATE OF NEW MEXICO that the state department of education is re-
19 quested to study the feasibility of instituting a program at the local
20 level for the training of parents of pre-school children to provide a
21 home environment for school children that will be most conducive to
22 educational achievement, whether through the parent-teacher associa-
23 tions, community organizations or through local school district clinics;
24 and to report the findings of the study and any recommendations they
25 deem necessary to the first session of the thirty-second legislature;

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Page 1

1 and

2 BE IT FURTHER RESOLVED that copies of this memorial be transmitted
3 to the state board of education and the state superintendent of
4 education.

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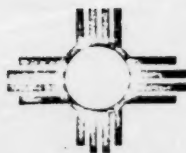
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The Legislature of the State of New Mexico

____^{31st}____ Legislature, ____^{2nd}____ Session

LAWS ____1974____

CHAPTER ____

HOUSE MEMORIAL NO. 13

Introduced by

REPRESENTATIVES ABEL E. McBRIDE
AND HOYT PATTISON



1 A MEMORIAL

2 REQUESTING THE STATE DEPARTMENT OF EDUCATION TO WORK WITH SMALL RURAL
3 SCHOOLS TO PROVIDE TECHNICAL ASSISTANCE NECESSARY TO CONTINUE AND IM-
4 PROVE THEIR EFFECTIVENESS AS EDUCATIONAL INSTITUTIONS.

5
6 WHEREAS, the small rural schools have been educational agencies
7 successful in the training and development of many of our finest
8 citizens; and

9 WHEREAS, the small schools in rural communities provide a means
10 of communication and mutual development between the school, the
11 student, the family and the community; and

12 WHEREAS, geographic isolation necessitates the continued usage
13 and improvement of the small rural schools in New Mexico as an integral
14 part of our educational system;

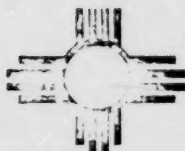
15 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF
16 THE STATE OF NEW MEXICO that the state department of public education
17 be requested to work with small rural schools to provide technical as-
18 sistance necessary to continue and improve their effectiveness as ex-
19 isting educational institutions through the development of educational
20 programs, unrestricted by the traditional limitations of grades and
21 classrooms on educational achievement, including the concepts of un-
22 graded groupings, continuous progress and open-concept approaches to
23 education, differentiated staffing and the development of educational
24 programs tailored to the needs of the local school district; and

25 BE IT FURTHER RESOLVED that copies of this memorial be transmitted HM 13

1 to the state board of public education, the superintendent of education
2 and to the legislative school study committee.

HM 13
Page 2

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The Legislature of the State of New Mexico

31st Legislature, 2nd Session

LAWS _____

CHAPTER _____

SENATE JOINT MEMORIAL 1, as amended

Introduced by

SENATOR JOHN D. ROGERS
SENATOR PAUL F. BECHT
SENATOR AUBREY L. DUNN
SENATOR FRED A. GROSS, JR.
SENATOR CONSUELO J. KITZES
SENATOR RAY LLGER
SENATOR ANTHONY A. LUCERO
SENATOR THEODORE R. MONTOYA
SENATOR JAMES S. PEIRONNET, JR.



1 A JOINT MEMORIAL

2 REQUESTING STATE AGENCIES, INSTITUTIONS OF HIGHER LEARNING AND BUSI-
3 NESS AND COMMERCE ASSOCIATIONS TO STUDY, PREPARE FOR AND SUBMIT
4 INFORMATION TO THE LEGISLATURE ON CONVERSION TO THE METRIC SYSTEM.

5
6 WHEREAS, the desirability of metrication throughout the United
7 States by 1984 is under serious consideration by both executive and
8 legislative branches of the United States government; and

9 WHEREAS, metrication in New Mexico will require extensive plan-
10 ning, educational programs and cooperation of both the public and
11 private sectors in order to estimate costs and evaluate the possible
12 practical difficulties which may be encountered during conversion to
13 a metric system of weights and measures;

14 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
15 NEW MEXICO that each state agency is requested to study metrication,
16 identify whether they will be involved in conversion to the metric
17 system, define the nature of any further study required to establish
18 fully cost estimates for a conversion program and prepare a report
19 relating to such agency's conversion to the metric system of weights
20 and measures by 1984; and

21 BE IT FURTHER RESOLVED that the state department of education
22 and each public institution of higher learning is requested to consider
23 appropriate textbook amendments, instructional materials acquisition
24 and programs which are consistent with federal metric conversion goals
25 and which are designed to prepare students and teachers for the

SJM 1
Page 1

1 eventual conversion to the metric system of weights and measures; and

2 BE IT FURTHER RESOLVED that business and commerce associations
3 are requested to assist and cooperate with state agencies to prepare
4 for metrication; and

5 BE IT FURTHER RESOLVED that state agencies, the state department
6 of education, institutions of higher learning and business and commerce
7 associations submit copies of their respective reports, studies,
8 proposed programs and cost estimates to the legislative council service
9 prior to November 1, 1974 for consideration and study by the legisla-
10 ture; and

11 BE IT FURTHER RESOLVED that copies of this memorial be trans-
12 mitted to the chief officer of each state agency, each institution
13 of higher learning and each association of business and commerce in
14 this state.

The Legislature
of the
State of New Mexico

31st Legislature, 2nd Session

LAWS _____

CHAPTER _____

SENATE MEMORIAL 8, as amended

Introduced by

SENATOR ROBERT H. MCBRIDE



1 A MEMORIAL

2 REQUESTING THE STATE DEPARTMENT OF EDUCATION TO STUDY THE POSSIBILITY
3 THAT THE APPAREL AND EQUIPMENT OF SCHOOL-CROSSING GUARDS BE OF A
4 REFLECTIVE TYPE MATERIAL.

5
6 WHEREAS, this state and nation have adopted the twelve-month use
7 of daylight savings time as an energy conservation measure; and

8 WHEREAS, the use of daylight savings time during fall and winter
9 months increases the hours of darkness during which children are en
10 route to school and when motor vehicle traffic reaches high levels;
11 and

12 WHEREAS, it is well known and established by research that dark-
13 ness decreases the ability of motorists to see pedestrians; and

14 WHEREAS, being struck by motor vehicles is already a leading
15 cause of accidental death to school-age children; and

16 WHEREAS, parents, school officials and law enforcement agencies
17 are greatly concerned about affording high visibility protection to
18 school-crossing guards in periods of darkness when flags, apparel
19 and devices now furnished are not effective; and

20 WHEREAS, it is well known and established by research that the
21 use of reflective type material on flags, apparel and devices will
22 provide adequate visibility to approaching motorists during darkness;
23 and

24 WHEREAS, widespread use of reflective type material has been used
25 for school children in the Scandinavian nations whose northern lati-

1 tudes require them to go to school in periods of darkness and in
2 Great Britain when that nation adopted year-around daylight savings
3 time; and

4 WHEREAS, the use of reflective type materials by pedestrians
5 has been endorsed and urged by the United States public health
6 service as well as many professional and civic organizations;

7 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
8 NEW MEXICO that the state board of education is requested to study
9 the possibility that the apparel and equipment used by school-crossing
10 guards be of a reflective type material in order to be conspicuous to
11 motorists both in daylight and darkness; and

12 BE IT FURTHER RESOLVED that a copy of this memorial be trans-
13 mitted to the state department of education.



The Legislature
of the
State of New Mexico

31st Legislature, 2nd Session

LAWS _____

CHAPTER _____

SENATE RULES COMMITTEE SUBSTITUTE FOR _____

SENATE MEMORIAL 21 _____

Introduced by _____



1 A MEMORIAL

2 DIRECTING THE LEGISLATIVE SCHOOL STUDY COMMITTEE TO STUDY TENURE
3 RIGHTS OF SCHOOL PERSONNEL AND TO STUDY QUALIFICATIONS OF CERTIFIED
4 TEACHING ASSISTANTS.

5
6 WHEREAS, there has been no recent or detailed review of the laws
7 of our state establishing tenure rights for school personnel and their
8 application and impact upon the public schools of this state; and

9 WHEREAS, certified teaching assistants perform valuable and in-
10 dispensable services on the behalf of the educational process of our
11 public school system; and

12 WHEREAS, service by such teaching assistants should perhaps re-
13 ceive recognition as in the case of other certified personnel in the
14 area of job security;

15 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW
16 MEXICO that the legislative school study committee be directed to
17 study the tenure provisions of the Public School Code and their
18 application to personnel and their impact upon the educational process
19 in our public schools; and

20 BE IT FURTHER RESOLVED, that the legislative school study
21 committee be directed to study the teaching assistant program in
22 our public school system, the qualifications for such assistants
23 and the possible granting of tenure rights to such teaching assis-
24 tants; and

25 BE IT FURTHER RESOLVED, that said study committee submit its re- SRC5/SM
Page 1

1 commendations together with suggested guidelines and qualifications to
2 the first session of the thirty-second legislature; and

3 BE IT FURTHER RESOLVED, that a copy of this memorial be trans-
4 mitted to the legislative school study committee.

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